

THE
CALCUTTA REVIEW.

VOL. 'XXXVII.

SEPTEMBER—DECEMBER, 1861.

'No man, who hath tasted learning, but will confess the many ways of profiting by those, who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust andinders of our feet, so long as in that notion, they may yet serve to polish and brighten the armoury of truth, even for that respect, they were not utterly to be cast away.'—MILTON.

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- ART. I.—1. *The Punjab Annual Report.*
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AN intelligent study of the history of the British rule in India for the last fifty years would lead to the discovery of practical truths of the highest political importance. To such as are willing to believe in the progress of political science, it would be evident that government cannot long exercise its high functions to the benefit of society, unless it is able to provide for such necessities as are incident on social progress; and that wherever it has dispensed with its provident character, it has rendered the interest of the public subservient to its own. Let the advocates of uncompromising conservatism bear in mind, that no government has any higher claims to public support, than such as may be founded on its actual utility. On the score of past merits it may be borne in the grateful recollection of distant posterity; but its claim to perpetuation must rest on more reasonable grounds than the mere fact of its antiquity. Government and society enter into a compact of mutual obligation; society is willing to bear certain restraints as long as government is able to guard and conserve its interests; and when government has ceased to exercise its powers to the benefit of society, society is justified in dispensing with its protection.

The advocates of reform are willing to adapt government to the growing necessities of progressing events, and to prolong its existence by increasing its usefulness. A government that does not work for the benefit of the governed, will only hold out as long as the governing power is physically the strongest.

The experience of our late troubles has successfully exposed the dangerous illusion, so flattering to our self-complacency, that our government of India was a rule of moral force based on actual sympathy, and that wherever conquest carried our arms, our sovereignty was hailed as a deliverance. After a short period of necessary humiliation, we are now willing to distinguish conquest from conservatism, the silent submission imposed by physical force from the voluntary and cheerful allegiance which strengthens the hands of government. Let us for ever dispel all false lights from the subject, let us bid adieu to faint-hearted vacillation, and recognize the importance and difficulty of our position, rather than evade or avoid it as a topic well understood, if not finally disposed of.

Let us recognize also the great political truth, that in the government of a conquered race, conservatism must be blended with assimilation, and let us for ever take leave of that mischievous policy which would advocate the engrafting of foreign institutions on an uncongenial soil, without heeding the absence of those concomitants which enter so largely into the success of all such attempts. Should we, after all have acquired the secret of rendering the government of an alien and dominant race not unpalatable, if not popular, the lesson is well worth the century of failures and embarrassments, which once endangered the credit of our Indian Empire. It is, however, a circumstance of auspicious augury, that the only practical mode of conciliating our alien subjects, was enunciated by the nobleman who now rules our Indian Empire, and it is also satisfactory to remark that the policy so happily inaugurated, has received the consistent support of a large portion of the Indian Press.

Not to cherish institutions condemned alike by laws and feelings, but to improve, foster and conserve the popular elements of native society, and to adapt the administrative machinery to the genius of the people is the policy which would popularize and strengthen our Government, and perhaps render us personally less and less the objects of antipathy and odium.

It would be foreign to the object of the present article to discuss the expediency of an extensive introduction of independent European agency into this country. The subject is one of grave importance. The advocates of the measure are

too apt to reason, though not consistently, from abstract rights; while, on the other hand, their opponents are just as eager to be led away by wrong inferences from the seemingly analogous circumstances in other colonies, where the aborigines have almost disappeared under Anglo-Saxon supremacy.

We do not for a moment dispute the fact that under a fair, watchful and considerate government, the presence of independent Europeans would instil into public opinion, now so painfully identical with official opinion, a healthier tone; nor deny that in developing the resources of the country, and, in bringing into play native talent and native capabilities, European energy and application would exercise a decidedly beneficial influence. But even after these admissions, we cannot hide from ourselves the difficulty which still stares us in the face: the interests of the foreigner and the interests of his humble fellow-subjects, the natives, cannot be said to bear many points of similitude; we must, therefore, resort to precautionary legislative measures to obviate a collision between them, and trust to the harmonizing influence of mutual knowledge and necessity for that co-operation which can only result in mutual good.

Just as foreign to our object is it to solve the vexed problem of the equality of races. There are certain aspects of the question which defy discussion. Its obvious equity, its claims upon general principles of morality and the sanction of scripture, are raised as much above doubt as above controversy. Yet the practical recognition of equal legislation in this country would be attended by disasters, much more formidable than the revolt of a hundred thousand armed hirelings. The force of abstract truths we do not venture to deny, but to assert them in legislation without a compromise with circumstances, would be to ignore the existence of passions and affections which so largely influence men's actions. If to yield to popular prejudices be weakness, to oppose them out of season would be imbecility.

The principle of assimilation and step by step reform, as opposed to that of the forcible eradication of existing institutions, and the substitution of unpalatable exotics, never avowedly formed part of our policy in this country. We have certainly not been outrageously radical in our policy; there has been no dearth of toleration for harmless prejudices, no want of just abhorrence for the dangerous ones, no lack of will to conciliate. But to develop the popular elements of the indigenous social and political economy was neither desired nor appreciated. On the contrary, the complicated appliances of a high state of civilization were strenuously employed for the amelioration of

the people, though with what melancholy results we shall not expatiate upon here.

It was in the month of March, 1849, that the Sikh sovereignty in the Punjab had ceased, and in succeeding to its responsibility we inaugurated a system of government, which, by strengthening the hands of the executive with confidence and responsibility, by mitigating the severity of law by an infusion of equity, and, above all, by adapting the administrative machinery to the genius, habits, and capacity of the people, has a fair chance, if a foreign government can ever be said to have it, of engendering lasting and substantial sympathy between the conquerors and the conquered race.

We claim for the Punjab administrator no higher credit than that which is due to success. The character of its subjects must form an element in the estimate we make of a government, and it would be folly to institute a comparison between two forms of government without entering into a consideration of the social and political condition of the two people. The ideal government of speculative 'thinkers,' which we are bound to believe is guided by perfect rules of ethics and policy, we do not mean to imitate or to offer for imitation; suffice it to say that, from the limited existence of perfection, even a perfect government itself can have only a very confined range of utility. It is enough for us to watch the progress of a people under a good government, without idly speculating on its probable destiny under a perfect one.

That the administration of the Punjab has been one of hitherto unparalleled success is too clear for discussion, and that some of its simple machinery may with advantage be introduced into the older provinces of our Indian Empire, has been doubted by those alone who profess to be able to judge of the necessities of a people by the exceptional cases of individual wants. With the progress of civilization public interests increase both in number and importance; indeed commerce alone has arrived at a state of dignity to require a code of its own. An involved and intricate judicial machinery is indispensable to a high state of civilization, but to such as have so long advocated its introduction into our Indian provinces, we commend the study of the present state of Bengal, where we find a 'demoralised people and a disorganized country' which a century of improved government can alone save from hopeless degeneracy. The introduction of legal subtlety into our Indian courts has not been without its effect on native ingenuity; in some points of native character we remark, if we are permitted the phrase, *a stunted development*,

devoid alike of the strength and symmetry of healthy growth. With laws perfectly unsuited to the habits of the people, with an executive contemptibly weak, we have realized in some parts of Bengal the worst evils of the darkest days of European feudalism.

Happily the disparagers of the Punjab government cannot even pretend to speak from experience; the voice of discontent is raised from without, and is justified by that species of logic which only deals in strong language and bold assertions. Always severe, what they lack in truth they invariably make up by virulence. There is no denying the abstract weight of some of their arguments, but, as the Emperor Napoleon observed to the ruler of the Vatican, 'facts have an irresistible logic of their own.' The theory which they advocate is an admirable product of pure reason: it is undeniable that large discretionary powers have often been abused; it is also true that to concentrate triple powers in one individual has its own peculiar dangers; that to centralize powers does not tend to improve official efficiency, and that technicalities are indispensable to any but the most simple code of laws. The reasoning is admirable, the conclusions true, the theory is deficient only in applicability.

It is our object here to investigate the causes which have conduced to the prosperity of the Punjab and to the popularity of the Punjab Government. The dangers apprehended from the turbulent character of the natives of the Punjab have happily proved groundless. Nay more, of the millions who acknowledge our supremacy in India they stand foremost in co-operating with the Government, and in active sympathy with its difficulties and success. Brave and honest, they have offered Government useful allegiance, without that profession of abject submission which is seldom sincere and even when not tainted with hypocrisy always contemptible. Good citizens and hardy soldiers, fond of peace but not afraid of war, they have proved less obnoxious to the public peace, are less inured in criminality than the effeminate population of our older provinces.

When their struggles for dominion closed with the demoralization of a powerful army, large bodies of men, who had so lately coerced their own Government, betook themselves to useful pursuits with manly forbearance, turning their swords into plough-shares and prosecuting commerce, trade and agriculture with surprising energy.

Trained from their infancy to the use of arms, and capable of the most heroic fortitude, and most chivalrous devotion, the Punjabees have yet that feeling of respect for law, and entertain that

wholesome dread of crime, which have been productive of the the best social results. If it be believed that organized offences were rarely known in the Punjab, even in days of Sikh laxity, our well elaborated statistics have since established such to be the case more than the most sanguine could hope, and experience has verified the general correctness of our statistics.

The Punjabee is active and industrious by nature, the physical accidents of his country allow him but small room for choice as to the means of livelihood. The Punjab is by no means as productive as the well watered plains of Bengal, and to secure a remunerative return from its ungrateful soil necessitates constant and well sustained application. When there is a dearth of employment in his own country, the Punjabee does not, as a rule, encumber his poor community by taxing its charity; his restless spirit of enterprise drives him out of his home in search of employment, and if he lives to return from the land of his sojourn, his friends not seldom profit by his venture.

With fewer prejudices, fewer elements of passive hindrance, little or no respect for obstructive traditionary practices, the Punjabee is not averse to those salutary measures of reform of which his unfettered good sense seems to have an intuitive perception. Hence, he of all our subject races is best able to appreciate Western opinions, and hence, he of all our subject races has not only confidence in our honesty of purpose, and in the wisdom and justice of Government measures, but has been ever ready to offer it such help as to ensure success. The important results which have sprung out of this spirit of friendly confidence in the great bulk of the people, cannot be exaggerated. Whether as regards success enjoyed, or success in prospect, this friendly spirit is its best guarantee. It is hardly possible for men whose experience extends only to our older provinces, to believe either in the existence of this powerful moral auxiliary, or in the extent to which it has been rendered instrumental in accelerating the progress and securing the success of Government measures. Let it be recorded to the credit of the poor but honest Punjabee, that he has placed Government under some obligation in return for the many that have been conferred on him. Even in our troubles this willingness on the part of the people to co-operate with us was neither weak nor dormant; long before the Punjabee had experienced the beneficial effects of our policy, his fidelity, so far as passive resistance to extraneous treachery may be so called, drew forth our acknowledgements. When a band of mountaineers attempted to stir up an outbreak

in the Scinde Sangor Doab, so far back as 1851, their failure to draw supporters demonstrated the important fact, that the submission first imposed by force of arms had ceased to be the badge of bondage, and that the rights and responsibilities of citizenship were not likely to be long misunderstood. During the rebellion of 1857 the Punjabees stood foremost among our subject allies; the zeal they evinced in the destruction of the enemies of Government cannot in fairness be wholly ascribed to the love of plunder, which, in certain cases, undoubtedly proved a valuable incentive. When streams of ill escorted convoys incessantly poured from the Punjab into the seats of war, the Government gratefully testified 'that not a waggon was 'plundered, not a beast of burden stolen, nor a rupee of treasure 'lost.' Even in the worst days of our trial Government revenue was paid punctually throughout the Punjab, and wherever the emergency warranted a demand in advance, the money was forthcoming without a word of protest.

The Punjab law courts are obeyed with an utter absence of recusancy or opposition of any sort. Resistance of process is unknown in the Punjab. A solitary policeman may execute a process against the proudest chief in the land, and the most powerful brotherhood would not venture to incur the serious consequences of resisting lawful authority.

It is unfair to characterise the loyalty of the Punjabee as 'external,' best observed in 'profession,' or the 'result of 'circumstances.' The heart of man is inscrutable; man's motives are not always certain. The maxims of the wise are, not to be credulous, not to sleep in security, nor, on the other hand, to be perpetually suspicious. Loyalty is of slow growth even when fostered by sympathy: if a conquered race appreciate our good will, regard our Government with gratitude, and shew a decided will to stand by us in time of danger, the blame should rest with us if a few designing and disappointed men can turn them away from the path of duty.*

The few who regard our Government with no friendly eye, or with the indifference of unconcerned spectators, are the surviving members of the defunct polity. Brave men of mediocre ability, not unaccustomed to success in war, but strangers

* It was false philosophy which tried to explain away Government incapacity by physical influence. Mr. Dorin, in his minute in council, which we quote at second hand, ascribed the evils of which the 'Missionary petition' complained 'to the physical structure of the people'; and asserted that 'nature and climate have at least as much to do with the evils, as any defect in the civil administration of the country.'

to "the not less renowned" glories of peace; once the pride and terror of a warlike Government, they are now doomed to the gloomy retirement of conscious incapacity. By turns the tools of unscrupulous factions, incapable of self-government, and restless in power, they were the men, who, with other kindred spirits, drew their swords to take part in the tragic events of September 15th, 1843; and who, later still, when the Sikh army resolved to indulge in piratical aggressions, were foremost in marshalling the proud battalions of the Khalsas for destruction in the battlefields of Moodkee, Ferozeshuhur and Sobraon. The bulk of the people have little in common with the advocates of anarchy, and wisely prefer the stern rules of property and law to the capricious generosity of princes and chieftains.*

The most casual reference to a file of civil suits, in any ordinary tribunal in the Punjab, would convince us, that we have to deal with a people unused to intricacies of legal proceedings, that the transactions which form the subject matter of the disputes are themselves of a simple nature, and that for their judicial disposal, a simpler system than that which generally obtained in the older provinces was necessary. We aver on the authority of experience, that not in one such case out of five hundred is the issue one of law; and that not in ten cases out of a hundred is the cause of action more involved than any ordinary matter of calculation may be. Mercantile transactions of considerable value are carried on with mutual confidence and with a dread of legal complications which render their authoritative settlement, when circumstances entail such an unpleasant necessity, a matter of comparative ease. To inflict on such a people laws and regulations, not only complicated and technical, but also obscure, incomplete and uncertain, would naturally deprive our Law Courts of popular confidence, fill the public mind with distrust, and render litigation a mere game of chance. To obviate the curse of such an anomaly, the late Board of Administration resolved that the Law Courts of the Punjab should also be Courts of *Justice*, and that instead of mystifying their procedure by a parade of useless legal formalities 'they should avoid all technicalities, circumlocution 'and obscurity, and simplify and abridge every rule, procedure and 'process.' Thus the first and the most important measure which has rendered the Punjab Government both popular and efficient

* Or as M. Edmond About observes: 'the good pleasure of any man, however good it may be, is not so good as the code Napoléon.' *Question Romaine*, p. 4.

was carried out in a spirit of honest earnestness, while its subsequent modifications, in accordance with rising exigencies, led still further to its appreciation by the people at large. Few indeed of the Board's Circular Orders have now been preserved in their verbal integrity; but every successive alteration has had for its object public good, and public approval has endorsed every successive reform. By rendering our judicial system comprehensible to the people, we had from the beginning secured such confidence in our administration of the public interests, that in our trial the people willingly acquiesced in the honesty of such 'moves' as were unintelligible to them. 'You have expended lacs,' said an old Sikh Chieftain, 'you have expended lacs in giving justice to the injured, you will not deceive us for the little we have.' Wherever else we may have failed to render our Judicial system acceptable, in the Punjab we have succeeded beyond all hopes. Not the least gratifying feature of our success is the cost at which it has been achieved. We have given to a simple people a system of law simple and effective, and which must fall into very degenerate hands indeed before it can be diverted from its original and righteous use. We have given them a civil code, which embodies the main provisions of the native laws in matters of social and commercial importance, while in the other branches of law it lays down such marked principles as are from their universality easily understood. We have also given them a penal code, not essentially different from that of the North West Provinces, but yet in certain important particulars deviating therefrom according to local experience and the idiosyncrasy of the people. It has worked most satisfactorily; but it was evident, even to the late Board that the good results, to be expected from the effective and zealous aid hitherto afforded by the people to Government in the criminal department, would cease, when our system became unintelligible to them. The chief cause of the unpopularity of the law courts of Bengal and the Provinces is, 'the exaggerated elaboration of their routine and useless ramifications of their legal defences, as distasteful to those who had to administer as incomprehensible to the people.' In our administration of the Punjab the fate of the sister provinces was to serve at once as a warning and a guide. As long as we allow a recourse to law to be a mere struggle with chance, it would be unfair to charge the natives with an inordinate love of litigation. Avarice is usually reckoned their ruling passion, but we seldom find that a love of money and a love of litigation are wedded to each other in lasting harmony. But let what was legal to-day be illegal

tomorrow, let confused and contradictory regulations hold out to the guilty a chance of escape, let us substitute absurd crotchets for necessary technicalities, and uncertainty and laxity for certainty and severity of punishment, we can then realise the fact, that the most covetous people on earth would be tempted to take their chance in the legal lottery, till justice or injustice, as the case may be, deals out to the unfortunate litigant eventual ruin.

Instead of superseding the *lex loci* by a muddle of acts and precedents, 'a Civil Law half English and half native,' the Punjab administrators evinced the greatest solicitude to enlist its invaluable support on the side of government. By adapting our laws to local customs and usages, to such systems of laws as have from time out of mind served as popular standards in matters relating to social economy, we have not only spread general content, but have successfully conciliated the most determined enemies of the new *regime*. In purely social matters the province of the *lex loci* is most extensive, and experience has proved beyond all doubt that in such matters foreign laws, when they have been opposed to the feelings of the people, have done the greatest amount of mischief. Prejudices not opposed to morality, public policy or positive law, which the *lex loci* has tolerated and of which society does not demand the immediate extinction, may be suffered to exist till they ripen, fall, and perish for ever. It is in our treatment of these social peculiarities that in the older provinces we have either been weak to indifference or recklessly severe, or have allowed abstract principles to alienate from us the sympathy of the great bulk of the people. As regards the rules of inheritance, marriage, caste, disposition of property and such like matters, the Punjab code is chiefly the exponent of the local laws. By acknowledging the use and complying with the precepts of ancient usages, which have a hold on the affection and veneration of the people, we have ourselves acquired an influence on their minds, which is calculated in course of time to identify the interests of the government with those of the people, while, on the other hand, wherever we have set aside the principle of discriminate assimilation, we have surrounded our path with difficulties against which our best efforts have proved abortive.

Let it not be fancied however that the Punjab government has carried conciliation beyond its legitimate limits. Though in social transactions local customs have in most cases the force of law, no concession has been made in the treatment of even such crimes as an ignorant people had been accustomed to associate with spurious honour. The spirit of humanity, which so strongly characterizes

our criminal jurisprudence, has been preserved in its integrity in the Penal code of the Punjab, but abstract principles have not been allowed wantonly to outrage the feelings of a people not slow in their resentments. Adultery, which is viewed in the Punjab with a vindictiveness which will not stop short of death, is punished with a severity which cannot be reconciled with the prevailing opinion on social injuries in more civilized countries, while Infanticide which the people had come to regard as almost a social necessity, was put down without the most distant thought of a compromise; it was clearly avowed that government trusted to the rulers of native society to devise the means of suppressing the evil, without allowing them any discretion in the matter. Thus crimes of great enormity, which were allied to popular favour, have been put down all over the province with a resolution that would brave a rebellion. To a great extent we are indebted for our success, to the spirit of self-government common to the village communities of the Punjab. The local government wisely cherished this valuable element in village societies, and, by investing them with a subordinate responsibility, it has succeeded in economising the labour, and in increasing the efficiency of the large body of government detectives. Village responsibility is regarded as an important trust; it has kept village-headmen on the alert, while their personal influence has put down certain classes of offence, to which police vigilance offered no effectual check. The excellent system of *khoj*, or tracking criminals to their homes and haunts, rests solely on the responsibility of village headmen for the good behaviour of their charge. The men who incur the responsibility also enjoy certain privileges; and the experience of the past affords sufficient security for the proper discharge of the duties, as well as the reasonable exercise of the privileges. Any abuse of the privilege or any incompetence in the discharge of the duty, is visited with certain and immediate retribution. Meanwhile it is clear that the local influence of the *Lumberdars* can be so employed in the cause of order, as to offer the most successful and the least obnoxious means of preserving peace and controlling the disaffected.

To this spirit of self-government we ascribe the extensive use of arbitration in the settlement of disputes of a purely social character. It not only materially lessens the work of the Punjab law courts, but in certain classes of civil actions, where the cause of litigation is deeply imbedded in domestic secrecy, it is the only means of offering to the aggrieved parties what the Board of Administration called 'substantial justice.' To this popular tribunal matters connected with local usage

and social practice are chiefly referable, and its judicious co-operation has done more to further to the cause of justice, than any other means which our legislature could provide. The judge should guard against a spirit of jealous rivalry between his own court and this rude tribunal of the people's choice; he should render it an useful auxiliary, and control its operation with a view to justice, but not impair or destroy its utility by circumscribing its functions. The people are generally satisfied with the results of arbitration, and they need not be told that, if we do not dispense with its assistance, it is only because we do not arrogate to ourselves exclusively all offices of usefulness, but try to avail ourselves of every existing means to further the common good.

To adapt our judicial system to the habits of a simple people, and yet to retain the embarrassing technicalities of an advanced system of jurisprudence, would be an experiment so utterly devoid of all hopes of success, that to attempt it would be an act of reprehensible recklessness. To obviate the danger, the late Board found it necessary to eschew technicalities, preferring a just system, even if clumsily worked, to the most elegant machinery in the world for the administration of a crude and a complicated code. Technicalities have an important place in a judicial system, but under the most favorable circumstances they are only preferred to a greater evil which their absence would create. That portion of the law which immediately concerns a man, and which Blackstone considers it incumbent on him to know, is intelligible without the aid of those legal forms and expressions, which grow as social interests ramify and increase in importance, and which alone have placed the interpretation of law in the hands of the few, who have been able to afford the requisite time and attention for its study.

Having eschewed technicalities, to infuse the severe precision of law with the higher tone and larger views of equitable jurisprudence was necessary, if it was our object to profit by the first step in our judicial reform. In England an attempt is being made to make the courts of law and equity grow more into harmony with each other. But the fusion of the two different judicial elements can be of little practical use, unless those who are trusted with its administration are also vested with some discretionary power. Equity implies an exercise of discretion, and when that discretion is withheld, equity is simply impossible. The head of the Punjab administration has always reposed confidence in his subordinates, and has trusted them with that discretionary power, which, if it renders superior control necessary, is also indispensable to equity. By slow degrees the very mode

of exercising discretionary power is being reduced to written rules of procedure, and what was once the result of discretion, carries the authority of written law. After the lapse of a few years we hope to find the Punjab codes embracing more extensive legal provisions, without losing any of their equitable features. It would, however, be foolish to assert that this fusion of law and equity can ever be so perfect, as to dispense with the discretionary power with which we have armed our equity judges.

Wherever equity has been administered without caprice, especially among a people unable to appreciate 'the glorious uncertainties' of our laws, the courts of justice have been popularised, and the cause of Government and order supported by the public voice. We cannot refrain from noticing here one of the happy consequences of public content, and confidence in the Punjab Government. In carrying out a measure for public taxation, the Punjab authorities, ever willing to conciliate the people, re-imposed a transit duty to which the Punjabee had long been accustomed, and which had the additional recommendation of being an indirect tax. Its success was not long doubtful: from a fund for the support of the village constabulary and for minor purposes of conservancy the Punjab Octroi became a rich and productive tax, and before its reduction under the new arrangements, it realised a sum equal to one third of the entire land revenue of the Presidency. Yet we have reasons to believe that the introduction of the Octroi into the most flourishing cities in Bengal, would be followed by ruin and desolation. In the Punjab, however, it is a matter of no small gratification, that the success which attended the introduction of the Octroi elicited no remonstrance or feeling of discontent; but on the contrary the call for further increase in the rates of duty was cheerfully responded to by a prosperous people.

The principle of self-defence is nowhere better understood or more readily exercised, than in a country where the submission of individual will to the reason of the community is unknown or disallowed. There every man considers his humble shed the stronghold of his liberty; not because the law of his country has guaranteed him the right of lawful self-defence; but because his strong arm is ready to assert his rights against every individual member of his community, or even against his representative head. The Punjabee is pre-eminently a self-asserting member of society; he has more than once redressed his own wrongs against the powers that were, and the spirit of self-defence is still alive in him. If he is tractable and willing, it must also be remembered that he has been trained in the school of self-defence.

In the courts of his feudal chiefs, where he had unrestricted audience, the Punjabee had been taught the defence of his rights, and he had thence learnt to reject mediate agency as an unsatisfactory arrangement, if not one of actual danger. Of such an admirable trait in his character our Government was not slow in availing itself. The late Board of Administration ruled that the local courts of justice should be open and accessible to the principals themselves, and it was only reasonable to expect, as the law codes had been simplified and adapted to the habits of the people, that with ordinary intelligence every man would be able to defend his rights and redress his wrongs, without confiding them to the mercies of unscrupulous pettifoggers. The admission of professional pleaders as a rule was discouraged in the Punjab, and as the people themselves have shown a strong aversion to their employment, in the few exceptional cases when parties have entertained legal advisers, their choice has not been questioned by the presiding Judge. Among the so-called nobility of the land the promiscuous use of intriguing men as law pleaders has been attended by ruinous litigation; while many a cumbrous file of 'pleadings' would bear painful testimony to the time, patience and money sacrificed in causeless disputes. Since the English laws have armed our judges with summary power, for the purpose of preventing misconduct in their subordinates, the supervising authority of the Punjab officials has not been relaxed in favor of the Punjab pleaders or his sometimes mischievous accomplice, the petition-writer. One peculiarity we may here remark as attributable to national character; while the Hindustani, even under the altered circumstances of the Punjab regime, is never willing to trust himself in a law court without his professional assistant, the Punjabee on the other hand, even when compelled to seek professional advice, can seldom be prevented from taking a direct part in the conduct of his suit, and never feels satisfied till his own words, and not those of his agent, have been attended to by the court. The encouragement offered to the practice of personal advocacy has afforded general satisfaction. It has materially reduced the duration of suits, for the one reason above all others, that principals have no object in prolonging litigation. The same cause has operated in rendering compromise a matter of frequent recourse, for the principals themselves are best able to comprehend, as well as to appreciate their interests, and are not generally willing to sacrifice substantial good to any feeling of fastidious honour, or unprofitable revenge. Personal advocacy has also diminished fraud, facilitated the efforts of the judge to arrive at the

truths of the case, and, without reducing litigation, has deprived it of its many unfavourable incidents.

The law and procedure simplified, the people encouraged in personal advocacy, the difficulty next to be encountered partook somewhat of a physical character. It was necessary now to bring justice to the peasant's door by means of those useful tribunals, popularly known as courts of small causes. When the Board of Administration advocated their introduction into the Punjab, as an experiment, and empowered its Commissioners to vest Tehseeldars with subordinate judicial authority, Indian experience derived from the history of the Moon-siffs' courts was certainly not in favour of the measure. A year afterwards, the hopes of success at first so strongly expressed by the Board had been but partially realised, yet 'much benefit was anticipated from the new courts,' but the reasons assigned in justification of such anticipation it is not necessary to recapitulate here. In the Punjab report for the year 1858, the Chief Commissioner announced that the experiment was no longer open to any doubt, and that its success was an accomplished fact. The Small Cause Courts were organized all over the country, and within such short distance of one another that 'each person leaves his house in the morning, promptly transacts his business in court during the day, and returns in the evening.' Two thirds of the judicial work of the province was performed in these courts, and both litigants and witnesses were saved the disagreeableness of long journeys to the central courts, where the very fact of an accumulation of work rendered speedy adjudication of suits as impracticable as it was desirable.

Those who have watched the native mind cannot deny that like all half civilised people, they are better contented with an able and conscientious judge, than with the most perfect system of law. This predilection was satisfied by the establishment of the new courts, the judges of which were chosen from among the influential members of the native society. Originally a collector of revenue, the Tehseeldar's fiscal experience gave him an insight into the pecuniary circumstances of the people, which, when brought to bear on the discharge of his judicial duties, proved highly serviceable. His local knowledge, his intimacy with the people, his command of means for searching inquiry would seem almost to defy deception. The people themselves regard his local experience as an effective antidote against any attempt at systematic fraud, while the simple nature and the inconsiderable value of the small causes weaken the motives for corruption, and preclude any sacrifice of justice to the 'uncertainties of law.'

The revised rules of limitation of suits have simplified the only intricate feature in the majority of the small causes, and the success of fraudulent entries in a ledger is a very questionable matter, as regards hopes of ultimate success. The account books are personally inspected by the judge, and the patient scrutiny of collateral points would not long suffer the truth to remain concealed. Should the plaintiff be a man of doubtful veracity, and the subject matter of the suit be simple accounts, his books are submitted for the inspection of arbitrators, who have to verify every single entry, *seriatim*.

Nor is there any dearth of means to check corrupt practices in the judge himself. The facility of appeals and a constant inspection of his work by the appellate courts render it almost impossible for incapacity or dishonesty to pass unnoticed. It is also enjoined on the small cause judges not to record an *ex parte* judgement, unless there be distinct and undeniable proofs of contumacy on the part of the defendant. If an instance to the contrary occurs, it is incumbent on the court on the appearance of the defendant and a declaration of the merits of his case, to proceed with the investigation *de novo*. Other salutary checks have been imposed on these courts as regards their power to interfere with the award of arbitrators; the judge may confirm an award, but all cases of dissent must be referred to the district officer for final orders. Thus every attempt to exercise arbitrary authority is immediately overruled and the conduct severely censured, sometimes even punished by the forfeiture of judicial powers.

Thus far the Punjab system of government with its simplified codes and popular law courts, would be found to contain elements of considerable danger, in the absence of direct superior control, and the check of constant official vigilance exercised in correcting the slightest aberrations from the broad principle of justice and equity. The system of government is perfectly oriental and has the one inherent defect, that it cannot be worked by fools. Its simple judicial machinery may be converted into an inquisitorial instrument for the gratification of party feeling, if not of individual spite; discretionary power instead of being employed for furthering the objects of equity may degenerate into license, and the useful delegation of judicial authority to a large staff of subordinate functionaries may only create petty despots whose exercise of power would be but very slightly leavened with a sense of justice.

The extraneous checks we have just alluded to are the sole, but certain guarantees, that the dangers which may be apprehended shall not be realised, and it is a fact that new restraints are being

imposed, with a view still further to guard against inherent dangers. Before however, we speak of official vigilance, we shall offer a few remarks on two other subjects with which it is closely allied: we refer to the accessibility of the Punjab officials, and the triple powers vested in such as are intrusted with the administration of public justice. It will be generally admitted that the highest Punjab officials are free from the arrogant reserve, and the hauteur of office which hedge round the most humble native 'deputy' of the Provinces. We are not required to demonstrate a fact, which the most casual visitors in the Punjab have not failed to remark. The Punjab Government have never ceased to remind their judicial subordinates, that accessibility, when coupled with conciliating firmness, has gone further in promoting public content and individual popularity, than the most learned and elaborate decisions in law; they have also been apprised that, though zeal and ability shall ever be acknowledged by the head of the government, a feeling of false reserve would go far to destroy the value of public efficiency, and that the most effective method for popularising the Government is for every public officer to acquire the respect and regard of those, over whom he has to exercise authority. In the discharge of political duties too much importance cannot be attached to the personal influence of Government employes. Every public officer in the Punjab is more or less conversant with the habits and character of the natives; he is able to allay inquiry, to appease excited feelings, and, to some extent, to become the confidant of the people. A free intercourse with the natives and the maintaining of a friendly bearing towards them have engendered confidence in the natives towards their official guardians.

It would require very little time for an observant mind to convince itself, that despite the popular condemnation of native honour, the natives at least of the Punjab are ever ready to act honestly by those whom they believe to be honest and sincere towards them. In the Punjab a Government actively interested in the public welfare has been strongly supported by the public voice, and the Punjabee has good reasons to be assured that the Government is paternal in its acts no less than in its professions. Painfully aware of the studied indifference with which he was treated by the chieftains of his own race, the Punjabee naturally feels grateful to his alien rulers, who have devoted no small amount of means and energy in promoting his welfare. Thus, he has been attached to his Government for reasons the force of which even the most selfish acknowledge, and he has been always

willing to forward the cause of Government, not less with a view of promoting general good, than from a sense of duty. He is not ignorant of the fact, that his official protectors are unwilling to hand over his safety to the charge of the native court functionaries. He has ever shewn a steady and well grounded distrust of the honesty of native ministerial servants; the days of the Kardars are not forgotten as yet, but the Punjabee is willing to trust his cause to that sense of justice in the higher authorities, which he has never failed to find in them. Even if he has reasons to doubt the abilities of the European officials, his confidence in their honesty of purpose continues unshaken.

It may, however, be suspected that in cultivating popular good will, we are engaged in a fruitless, thankless task, or one involving a sacrifice of dignity. On the contrary we have reason to congratulate ourselves, that our success in conciliation has been obtained at a cost remarkably disproportioned to the good achieved. The Punjabee has no cause to complain of neglect; if his distrust of native officials be justified by facts, at all events he finds justice when he appeals to those who are armed with more extensive authority. The accessibility of the Punjab officials has proved a strong check to the corruption of the subordinates in all departments. It has also succeeded in suppressing that provoking spirit of domination so common among police myrmidons, which a sensitive people are much more unwilling to bear than even pecuniary loss. It is the supercilious treatment of the non-official classes of natives by their brothers in office, that men of influence and respectability dread, and they are willing to put up with any sacrifice rather than the indignity to which they would be liable from this source. The large body of native ministerial servants, including the police and servants of a like grade in the public offices, have in some places been countenanced in their cruel treatment of the poorer classes of their fellow countrymen. In the Punjab, however, they have experienced a fate which no doubt they regard as painfully oppressive; they have arrived at the conclusion that if there be any prejudice in high quarters as regards their relations with the people, it is decidedly against them. The proof of innocence as a rule rests with them, and no bias in their favour tends to facilitate the task of successful vindication. To the credit of the Punjabees we may remark here that, aware as they are of the readiness of every officer to inquire into even a whisper of complaint, Government servants as a body have had no just cause to complain of any combination of the people against them. It is certainly desirable

that some sort of moral control should be exercised on the conduct of a large body of men neither scrupulous, nor much given to kindly feelings.

If official accessibility secured no other good but the one most patent to every common observer, that of adding to the local experience of our public servants, it would be a political trait worth cultivating. 'It is necessary' said the Chief Commissioner, 'that the judges in their various grades should not only know something of the European jurisprudence, the Indian regulations and the Oriental system of law, but also that they should have some insight into the usage of trade, the practice of the landholding community, the tenets of the Seikh sect, the manners of the hill and the frontier tribes.' It is this knowledge of the internal social economy of the people that inspires popular confidence in our judges. Sometimes it has a direct influence in diminishing crime, and promoting the cause of justice, while with certain warlike clans of the frontier, our officers have acquired a patriarchal influence, which can only be traced to their local experience.

Judicial officers in the Punjab can not only take cognizance of matters civil and criminal, but have a concurrent jurisdiction in matters relating to the finance of the country. On this policy it is impossible to effect a compromise with the advocates of the English system. Loud in their condemnation of triple authority, they have gone so far in their wrath as to condemn their opponents without a hearing. They either argue on abstract principles, against which we do not mean to contend, or they reason on facts which refer to a different state of society. We do not regard the triple jurisdiction as an anomaly, and in defence of its place in the Punjab administration, we appeal not to plausible theories but to the secure logic of accomplished results. The fears entertained of 'an union of the magistrate and the policeman, armed with all the power of an infinitely corrupt executive, and the collector, the servant of an unscrupulous government, in one and the same person,' have not as yet been justified by facts. While the extremely hypothetical case of collector A taking a fancy to our land, and appealing to policeman A (himself) for assistance, and eventually handing us over to magistrate A (himself again), has not as yet had a *de facto* existence, nor do circumstances warrant any such fears, despite the abstract plausibility of the case. If the Madras Torture Commission could arrive at the conclusion that 'the police and revenue duties being united in the same person was a great cause of the oppression and cruel tortures, which they found to be

'prevalent,' we aver that the cause of the evil had not been reached, though a collateral and influencing circumstance admitted of being exaggerated into the semblance of it, and we offer to the Commission the instance of a happy exception to the rule, in the good which the union of the two duties have effected in the Punjab for the last thirteen years.

Instead of perplexing an ignorant people with a multitude of courts of different jurisdiction, it was wisely resolved that the three jurisdictions should be exercised by the same court; thus affording speedy redress for every grievance and securing certainty of punishment. Needy suitors have not been long in appreciating the facility the system offered them against those with whom time and money were matters of secondary importance. Whatever their complaints, the remedy was always at hand, and although they have acquired a superficial knowledge of the different characters of the injuries redressible by our courts, yet neither their acquaintance with legal proceedings, nor their several necessities would warrant a division of the triple jurisdiction into distinct tribunals. That division of labour may be practically useful, it must be proportionate to the demand for the objects on which the labour is employed. In the Punjab it is the nature of the legal remedies, and not the extent of the demand for them, that justifies the union of the three powers in one individual, rather than their division into three different and distinct courts. Happily no doctrinaire clamour has been able to hamper the Punjab authorities in providing for the wants of the people, and it is some justification of our views, that in 1837 Lord Auckland reluctantly separated the offices of magistrate and collector, and that some of the then influential advocates of the measure have lived to regret the policy they had so unluckily succeeded in carrying out.

The union of the triple powers has expedited the dispatch of business, not less than it has contributed to the experience of our judicial officers. An intimacy with revenue work has instilled into them a spirit of elaborate scrutiny, and judicial experience has given revenue officers a character for decision. In the older provinces the sudden translation of officers from one department into another takes place at the simple fiat of the head of the local government. Howsoever distasteful the new work may be to him, howsoever conscious he may be of his inability to afford satisfaction in the discharge of his new duties, a criminal officer has not the least choice in the matter of his translation to the civil department. After years of experience in a criminal court; and with a contemptible ignorance of financial intricacies, a

magistrate finds himself metamorphosed into a collector, and before he has succeeded in acquiring even a knowledge of the initiatory principles of his new work, he finds himself gazetted civil judge. Sometimes he appears before the astonished public as a full fledged Post Master General, or even a Director of Public Instruction!

What alone was necessary to ensure success to the working of the Punjab system, was a watchful vigilance on the part of the superior appellate authorities. The exercise of triple powers, unless controlled by strict supervision, was likely to result in anarchy. The means adopted by the Punjab authorities to put down irregularities, though simple, has hitherto succeeded admirably. Triple powers have necessitated triple supervision; while provisions were made to enable the commissioners to control district operations, the district officer himself was authorised to revise the work of his subordinates without waiting for appeals, and to correct irregularities by the exercise of that summary power which was vested in him for such emergencies. In Bengal the public journals have not ceased to regret that the only means of redress against the official eccentricities of the 'boy magistrates,' was by the long and tedious process of appeal, a process which has done less than even the little that was expected of it. Inexperienced assistants in the Punjab have but a very confined sphere of mischief; caprice and honest eccentricities are alike condemned; good intentions are an excellent sedative for a disturbed conscience, but the public has a right to demand an explanation for even mistaken zeal. When an assistant has monthly to submit the abstracts of his work to the Commissioner, and every case of irregularity is immediately condemned, and sometimes with a rigour which to most men may appear unnecessary, there is not much chance of serious error. Thus, while the divisional officer obtains an insight into the working of his districts, he has ample opportunities to give his assistants hints and suggestions, which none but the most headstrong would consider beneath his attention.

One result of this strict superintendence has been happily illustrated in the administrative capacity which young assistants have evinced, under a Government jealously watching 'the acts of authority.' Without imperilling the cause of justice, the union of the three powers has saved the people no little embarrassment economised time and labour, and armed public officers with self-reliance. The Board of Administration were so well aware of the danger which threatened their system of Government, if laxity of discipline was not scrupulously guarded against, that

they were never slow in cultivating a spirit of vigilant application in their subordinates both in the conduct and control of business. It was the *sine quâ non* of a system that could not be administered by fools. With able and willing men, good rules are almost superfluous, while with such men as cannot be impressed with a proper sense of duty they are ineffectual.

The machinery of the Punjab Government is no doubt very simple, and of necessity, those who are entrusted with authority under it must also be entrusted with considerable discretionary power, and if in the exercise of this important function they betray the least apathy or indifference, no amount of new rules would save the Government from immediate collapse. An appeal was made to the good sense of every public officer engaged at the inauguration of the new system; and how ably it has been responded to is placed on record. A simple people, unassisted by professional advisers in their recourse to law, naturally constitute their judges counsel for both parties to a suit, and in conducting his complex and onerous duties, the Punjab judge has to throw his whole mind into the case, 'thoroughly to realise to himself the position and 'feelings of both plaintiff and defendant, the authenticity of documents, and the probabilities of the case.' And unless all this is done, recklessness and not justice would characterize the proceedings of the Punjab courts. Under such circumstances the judge is *de facto* an umpire before whom the parties are to lay facts, or rather what they consider such, and who has to attend to the legal requirements of the case independently, in a great measure, of the parties themselves. He may demand additional evidence, when necessary; he has to test its relevancy and weight, and it is by no means optional with him to close investigation with only such facts as have been brought to his notice. It is the wish of the Government that, to the best of their ability, the Punjab judges should bring to light every fact relevant to the case under investigation, and no amount of ignorance in the parties to the suit would justify any neglect of the course prescribed for judicial guidance. Should any evidence of value be available, but yet withheld in ignorance of its importance, it is the judge's duty to inform the party of the best means of furnishing it. He is not, above all things, to allow either of the parties to the suit to suffer from ignorance in applying the law to his particular case; he should consider it his duty to furnish the required legal information, any such involved duty being altogether his own. It is his duty to save the unwary cultivator from the extortionate mahajun, and to place the borrower and the lender upon a footing of equity and comparative equality. The majority of those who seek his

court are neither intelligent men nor well to do, and he must protect them from the designs of the intriguing and the wealthy. Those who condemn what, perhaps in irony, they call the paternal system of government, ought to bear in mind that we advocate its adoption only in such states as are yet in their infancy, and would most heartily condemn its introduction into a highly civilised society, where the lower classes share in the honor and responsibility of the government. The duties of a judge, when coupled with those of an umpire and a general advocate may entail an increase of work on the individual who unites in himself the different functions. But working, as he does in the Punjab, with the principals themselves, and armed as he is with a certain discretion in all matters before him, his labour is materially lessened and would hardly ever justify haste or slovenliness. Where the parties do not make statements to confound inquiry, but rather to elucidate what each considers the strong point in his case, the means of ascertaining the truth cannot generally be a matter of any great difficulty.

Not the least satisfactory result of official vigilance is the reduction of the costs of suits; while redress is available at a small price, unscrupulous litigation is a losing concern. With this fact the people at large are much more gratified, than even the dispatch, with which actions at law are disposed of in the Punjab. The reason for this preference is obvious; an ignorant people have but a weak appreciation of time, while the tangible form which power assumes as money, makes a more direct appeal to their senses, and lays a stronger hold on their convictions. Yet in an age like ours it would be impossible to exaggerate the value of judicial dispatch. Among the more serious evils of life, Hamlet reckons the 'law's delay.' Some of our novelists have dwelt so long on this subject as to exhaust their stock both of facts and fancy. Though we are no advocates of 'telling descriptions' in books of fancy and fiction, when their force chiefly lies in exaggeration, yet in some of these unsparing exposures there is much more of truth than at first we are willing to admit. It is, however, the boast of the Punjab Government, that without endangering the interests of the litigants, it has succeeded in instilling a spirit of dispatch into its law courts, which may with advantage be imitated in the regulation provinces of the three Presidencies. Whenever much has to be done and must be done, a habit of dispatch is indispensable; a large daily allowance of work soon drills the most unwilling labourer into active and industrious habits. If it be true that the Punjab officials are comparatively the worst paid body of public servants, it is not less true that

they are the hardest worked. Five hours of drudgery at the desk is only an ordinary day's work in the Punjab, but that means are being adopted to facilitate its labour is well known. In the law courts, the means already at work have proved effective, and are increasing in number and efficiency: the suitors who prefer personal advocacy are not inclined to countenance delay, while the court procedure is being continually simplified. Long winded and irrelevant exhibits are done away with, complimentary phrases and equivocal blessings condemned, and thanks to the efforts of the learned gentleman who presides over the judicial department disallowed. Every document in a suit, from the initiatory plaint to the final order, is confined to the gist of the case, and all redundancies, the 'limbs and outward flourishes' of the old procedure, are carefully expunged.

By such facts alone can we explain the results tabulated in the different Punjab Reports that, in 1854, the average duration of suits in the Punjab courts was 28 days, in 1855 it was only 23 days, and with but trifling variation it continues as low, down to the last report before us. In criminal cases, the average duration with the aid of police, was eleven days; and before the Magistrate alone, six days only.

The *Friend of India*, commenting upon the Annual report for Bengal for the year 1855, observes; that 'it supplies facts which 'rightly comprehended, would smash any Judicial system in the 'world. What an extent of misery and vexation, interruption 'to commerce and insecurity of property, do these two tables 'represent. The total value of the suits pending in the civil 'courts, on the 31st December 1855, was

Original suits,	Rs. 35,713,544
Zillah appellate Courts,...	...	2,167,274
Sudder Court,	14,796,832

Total... Rs. 52,677,650.

' While the average delay in the decision of a case, was

	y.	m.	d.
Sudder Courts...	...	1	3
Zillah Judges...	...	0	11
Additional Judges	...	0	9
Prin. Sud. Ameens	...	1	0
Sudder Ameens	...	0	9
Moonsiffs	...	0	6

' That is, the ownership of three and a half millions sterling 'was kept in suspension for an average period of six months. 'A million and a half remained useless for more than twelve.

'These figures reveal but a portion of the evil. We do not exaggerate when we say that a sum equal to the entire land revenue of Bengal, is rendered useless for a period of two years, by the delay of our Civil Courts.'

On no other political topic can we be more at variance with the advocates of the English system, than as regards *centralization*. Its opponents have so long contemplated centralization in connexion with its worst and exceptional results; they have so long associated it with despotism, laxity of discipline and general inefficiency, that we have no reason to wonder at their unqualified condemnation of the policy. Those, however, who willingly incurred the responsibility of its introduction into the Punjab administration, were also aware of its tendencies and adopted measures of stringent precaution to ward off the dangers.

For centralization to be useful it must be coupled with undivided and direct responsibility; it ought not be overburdened with work, and the centralized powers must be vested in men of tried and acknowledged efficiency. In the absence of any one of these three conditions, centralization would inevitably realize more than its deprecators have prophesied of and against it. If coupled with irresponsibility, it must be despicably impotent if it did not invoke the aid of an inquisition against personal liberty, and if exceptional cases may be cited to the contrary, it would be just as well to bear in mind that all Governments are based, or ought to be based, on principles generally and not exceptionally good.* When hampered with more work than warranted by necessity, those who are trusted with centralized powers must either sacrifice excellence to expedition or sacrifice both in trying to effect an impossibility. On the other hand, when centralized powers are reposed in men of deficient energy and intelligence, they may be converted into the tools of designing and irresponsible hangers-on.

With a staff of coadjutors adequately large, indivisible responsibility and the districts favourably apportioned among them, the Deputy Commissioners of the Punjab have worked with remarkable success. The Deputy Commissioner, is the chief civil judge, the chief magistrate and the chief revenue authority within his district, and is held individually responsible for the satisfactory discharge of his complex and onerous duties. The

* Of reasoning from exceptional cases, Lord Jeffrey observed: 'They may be of use sometimes to test an abstract proposition; but, as makeweights in a practical question, they are absolutely contemptible.' Lord Cockburn's *Life of Jeffrey*, Vol. 2, p. 355.

Deputy Commissioner is responsible for the peace, content and prosperity of his charge; and it is incumbent on him, as far as practicable, to supervise the working of the three departments over which he has sole and undivided authority. Any attempt on his part to transfer the responsibility from his own shoulders to those of his subordinates would betray a want of controlling power, for which the presence of no other administrative quality would compensate. His immediate coadjutors are in every way amenable to his authority, and, if the public interests suffer from official neglect, the Deputy Commissioner is the person principally answerable to the Government, while the responsibility of his subordinates is, under most circumstances, completely ignored. 'He is the authorised exponent of the political position of the Government, as well as of its law and institutions.' His official position is one of no embarrassment, if it be properly understood; there are no conflicting elements for him to combat, and with a little tact he may command the most active co-operation of his assistants.

In the older provinces, 'the Judge moved and breathed' the same social, but a different popular and official atmosphere 'from that of the collector, and their *sets* revolved in separate systems.' But the Deputy Commissioner in his own district is 'the referee in every matter, domestic, social, or public.' He is looked up to by the people as their advocate-general; they cannot set him as a magistrate against himself as a collector, or as a collector against himself as a civil judge; while the fact of his being in every matter of importance their first and chief adviser, goes far in establishing that feeling of mutual confidence, which we have already treated at some length.

The Deputy Commissioner is, however, well aware that though he is entrusted with authority over his assistants, he alone is responsible for the due exercise of that authority, and that any unnecessary interference with the work of his subordinates, or any attempt to dispense with their assistance in the general management of the district, would not add to his power or responsibility, but would be followed by an embarrassing accumulation of work, which would leave all hope of a successful administration out of the question. Under such circumstances it is indispensable that the authority of the district officer should, by mutual consent and a friendly understanding, be shared by his assistants, preserving unimpaired the responsibility of the Chief, but saving him vexatious labour and petty difficulties.

It is impossible for us to overlook the fact, that the proportion of European to the native officials in posts of trust and

responsibility, is much greater in the Punjab, than in any other province of the Indian Empire. European official agency has led to certain and decided success; there is more energy displayed in European management and much more confidence generally inspired by European officials, than by even the most tried native.

The spirit of economy, which has characterised the Punjab Government, contrasts favourably with the approved prodigality of the older provinces. In the Punjab a longing for retrenchment seems to pervade the whole administration; the head of each department considers it his duty to supervise the expenditure incurred under his authority, and competition in economy is not less rife among the Punjab officials, than a struggle for administrative honors. Now and then misguided zeal bears its usual fruits, but on the whole the general tone of management improves with the love of thrift and a will to check profusion. In fact, it is one of the most reliable securities for a continued surplus for the Punjab Exchequer. The authority of every officer to disburse public money is so well defined, that no deviation from prescribed rules is permitted without severe censure. Whenever an instance of infringement does occur, the financial representative of the government is ready to provide stricter means of control for the future. Existing establishments are being continually revised and adapted to the exigencies of the different departments, while the check on entertaining new establishments is still more perfect. Extra hands cannot be employed for ever so short a time without superior sanction, in obtaining which, the most lucid statement of the necessities for the additional outlay is required, and should such explanation be deemed unsatisfactory, sanction is always withheld. As for the cry for more hands, we cannot refrain from quoting the words of the then Financial Commissioner Mr. Cust, who strikes at the root of the evil by a candid avowal which we endorse. 'I trust in a few years to see the number of employés sensibly reduced, and the salaries of the remainder increased. I may be bold to say that the real cause of the evil is that the District Officers are imperfectly informed of the details of their own office; they have not made a careful diagnosis of the disease; they are frightened at the symptoms, and dare not apply drastic remedy.'

Of all our legislative failures, none have proved so pernicious in their results and so thoroughly and hopelessly false in their scope, as the provisions regarding property in the soil. In certain places the system itself was irreparably defective, in others, the

defects of the judicial machinery left no hopes of fair play for even a tolerably fair system of land government. We regret that in the treatment of property in land, the Punjab Government have not been able to avoid the failures, which have so unhappily characterised similar efforts in the other provinces of the empire. If the Punjab view of the land question be not radically mistaken, it is still one which we cannot recommend for a wider application.

Though the settlement of land revenue has conferred a great blessing on a people harassed by an uncertain and heavy land tax; though the definition of rights and liabilities cannot but lead to the promotion of peace and order; though the land tax has been fixed with due regard to the condition of the people and local peculiarities, yet the various reductions made in the Punjab settlements from time to time, and the reductions still not unnecessary in certain places even if not loudly demanded, argue that we have failed to attach due importance and interest to property in land. It has been admitted by one who has devoted considerable time to the study of the subject, that in not one single district of the Punjab 'has the assessment of Government revenue been too high either for the quality of the soil or the industrious habits of the people, but as regards the inducement for land-cultivation, the assessment has in some places been certainly exorbitant.' Reductions have constantly been made of late years, but it is any thing but satisfactory to admit that reductions are only made by degrees, leaving less and less room for discontent. The Punjabee is strongly attached to the soil, but a more favorable tenure of proprietorship, than possession for the term of a short settlement, is necessary to attach him still further to his holding and to make him value it on other grounds than mere traditionary rules.*

To 'promote the future ease and happiness of the people' Lord Cornwallis proposed to make 'land the most desirable of all property, and direct the industry of the people to those improvements in agriculture, which are as essential to their own welfare, as to the prosperity of the estate.' How under the most unpromising circumstances, with a judicial system universally condemned, the perpetual settlement advanced the prosperity of

* Mr Governor Bayle's report on the West Indies published *by authority* is a valuable repository of facts for political economists. After some general remarks on the character and conduct of the negro population of the West Indian Isles, Mr. Bayle dilates at some length on the love of the soil inherent in the negro races, on their want of moral resolution and physical energy and observes that working as absolute proprietors, 'they toil more constantly than they ever would consent to do under any other sort of inducement.'

Bengal need not be dwelt upon here. To render land valuable, the ownership of it must be certain and unconditional; if 'the charm of property,' be nothing better than an idea, we must not discard it as an useful auxiliary in stimulating industry. What the government may a century hence lose under the perpetual settlement as regards direct taxation, it would more than recover by what a contented and prosperous people would willingly contribute to the imperial exchequer by means of indirect taxation.*

In the Punjab we have also erred in another direction: unnecessary interference with the right of alienating land has deprived land of much of its value as legal security; monetary transactions are seldom conducted on the security of land, and the results are just what might have been predicted. We should no more hamper the right of alienating property in land than property in money or in any other object of use. The few and simple rules devised by law for the preservation of property in land have hitherto been found perfectly effectual, and the necessity for more stringent rules is more fancied than felt. The right of alienation inherent in absolute proprietorship, ought not to be restricted by an unreasonable partiality for any particular description of property. It is not alienation of land *per se* that the natives regard with distrust and displeasure; but it is that unjust alienation which even when sanctioned by law does not fail to sink deep into their feelings, and which engendered a deep, unforgiving hatred, not only for those who caused the mischief, but also for those who countenanced it by legal warranty. In the Punjab, where the law courts are popular and effective, all unjust and forced alienation of land should be watched with jealousy, and instances of fraud exemplarily punished, but as regards the right of alienation itself, property in land, like property in gold and silver, should follow the will of the proprietor. It may be consistent with the benevolent views of our Government not to eject Government debtors from their holdings, till assured of hopeless insolvency, for the mere possession of land, without the means of utilitising it, is in itself a serious evil,

* The ryotwari system of Madras, repulsive to the instinct of the people, has completely ruined landed proprietors in that presidency; the village system of the North West has been remarkably favorable to the growth of general beggary among the peasant proprietors, and has necessitated the transfer of landed property from the poor to the rich, and not seldom in that questionable manner which has for ever set the labouring classes against the capitalists. It is however in a permanently settled country like Bengal, that land has a fair value, and where despite the courts of law and a faulty system of government 'the ryots are better fed, better clothed and housed, than those in a similar position either in the Madras Presidency or in the N. W. Provinces.'

and has given rise to a novel and important political question in our Australian dependencies.* Neither is it repulsive to the principles of equity, that only as a last resource should a helpless tenant be ousted from his hearth and home to satisfy the judgment debts of an exacting creditor; but all *bond fide* alienations of land should be perfectly free, and, to our judgment, the subject is one of too grave an importance to be sacrificed to any traditional prejudices or feelings of mistaken philanthropy. Let us deprive the right of alienation of its objectionable features, and the prejudice against it will also disappear; but to stunt growth for fear of probable disease augurs ignorance of physiological laws.

If we cannot deny that landed property has a tendency to pass into the hands of the moneyed classes, it is impolitic, nay even unfair, to check the tendency by legislative enactments. Let us guard against oppression, let us put down all attempts at fraudulent alienation, and leave the rest to the option of the transacting parties. Why should not we stop the growth of capital among the trading classes if it be a matter of necessity to guard against their acquiring property in land. Why should a man be more dangerous to his bretheren if he owns ten thousand acres than if he owns ten thousand pounds? Why should we check the growth of one of the means of power and not another? Why allow the owner of land to be helplessly in the hands of the owner of money, and yet struggle to keep the owner of land in possession of his land? We must confess we do not view with any dread the transfer of landed property from the poor to the rich, provided the conveyance be optional and equitable, while the rich must ever seek the labour of the poor, the poor stands in need of the capital of the rich, the harmony is perfectly natural, and those who would attempt to improve or alter the economy of nature, have much to answer for their meddling spirit. It is not for us to set the poor against the rich, or ever to forget that we are called upon to judge their mutual relations and not to advocate the cause of either. If we warrant unjust alienation of land by the sanction of law, we abandon the vantage ground of a judge, and ally ourselves with one of the contending parties as his advocate. That under proper guidance the two classes can work in harmony, the records of the Punjab courts fully establish. No intelligent officer who has presided in any of the ordinary tribunals in the Punjab, for even a few short months, could have failed to

* For a popular exposition of the *Land Question* we refer our readers to General Mundy's '*Antipodes.*' Chap. XIV.

remark the good will that generally exists between the classes whom we usually look upon as waging eternal war against each other. He must also have remarked, how the needy cultivator has taken the well to do *Mahajan* out of court to compromise the suit, rather than harass his *Shah* by contesting the claim. If the Punjab law courts continue as we now find them, there is little to dread from the assumed feeling of antipathy between the man who lives on his capital, and the man who lives on his labour.

We cannot more appropriately conclude a summary like this than with a few words on a subject, which, if apparently of a speculative character, comprises the very essence of political success. We allude to what a writer of distinction has felicitously styled *the vitality of a Government*. Some have attempted to prove its identity with the aggregate of those commendable features in a Government which contribute to its success; admitting, that they operate to a certain and limited extent in sustaining political vitality, we deny all identity between them. Indeed, it would be just as reasonable to affirm that, food was identical with health, or that it alone could produce physical harmony. Official accessibility and vigilance, active but cautious centralization, triple powers, simple law and procedure, are mere dead letters if political vitality be absent; it would be unreasonable therefore to persist in the attempt to prove that they are identical. The anatomist who examines the structure of the arm of a full grown man and of that of a child, discovers in the one evidences of power, in the other comparative helplessness; but without vitality the physical formation of neither answers any useful purpose. Political vitality, like vitality in the human body, is alone capable of converting into use the different means and appliances placed at its service by circumstances, or the incidents of existence. As youth from its growing vigour is best able to rough the evils of life, so does political vitality render a Government fit for those trying ordeals which test political virtues. Without political vitality The Empire of Rome perished even with laws and institutions, which the accumulated experience of nearly fifteen centuries have scarcely been able to improve. With a comprehensive system of equitable laws, a civil jurisprudence carried almost to perfection, the Roman people submitted to the indignity of a consul from the imperial stable. In our own days we witness the melancholy spectacle of two warlike people, once the leaders in war and conquest, steadily sinking into contemptible imbecility, with institutions but little altered, indeed apparently improved, since their palmy days.

Political vitality consists in the directing impulse and the fostering care of the head of the Government; where the influence of the chief is uniformly felt throughout the various departments, the government is sound in all its parts, and can extend life and vigour to its most distant members. Where this influence is circumscribed or impeded by obstructing causes, we may safely infer that the political body is unsound, and the inference is not seldom justified by the appearance of topical disorders, which by degrees infect the whole system.

Political vitality consists in proper organization: when the different departments work in harmony, and are able to give design and coherence to individual energy. It consists in what the present head of our Indian Government has called 'the holding well in hand of a Government,' which renders even an accidental opposing influence weak, if not abortive. When the different departments which constitute a Government are opposed to each other in their operations, the directing influence of the head, however well exerted, cannot but fail of good effects.

Political vitality consists in the emulative energy of such of the governing subordinates, as are trusted with the practical details of the administration. This emulation is engendered by intelligence, and a sense of duty, and promoted by that equitable test which the head of the Government applies to every individual subordinate, and which renders reward not less certain than censure. It is not only their emulation but also their self-reliance that conduces to political vitality: it is in self-confidence, when intelligence is not wanting, that the power of originality is inherent, and without this power progress in Government must ever be a delusive dream. Men are only too apt subserviently to follow rules and to abandon freedom of action.

Where 'a Commissioner himself is a slave, a handsomely paid 'slave indeed, but one who dare not express any opinion of his 'own, and who must think as he is ordered to think by the 'head of Government,' it is clear that the presiding authority is either weak, or hampered, but unfortunately strong enough to smother independence of action in its subordinates. A Government so unhappily constituted must yield everything to a routine which would provide ease and seeming regularity, while the standard of excellence would, in course of time, be brought down to the undisturbed level of withering mediocrity. From this political peril, the Punjab Government has nothing to apprehend, and we trust all approach to political stagnancy will be scrupulously avoided.

Another fruitful source of political vitality, is the influence of a free press. It may seem strange to remark here that nowhere in India has the agency of the fourth estate been so successfully employed for political purposes as in the Punjab. Even the local native press, so contumeliously treated elsewhere, is the ally of the Government, and if there be not inducement enough for the different interests to have each an organ of its own, the local public journals, such as they are, have never failed to exercise a salutary influence in suggesting public improvements; and no such suggestion has ever been set aside, merely because it emanated from the exponents of public opinion. During the late rebellion, the local journals in the Punjab were for good reasons taken into the confidence of the Government by the one man above all others who never shirked responsibility. The public prints were furnished with early and authentic intelligence from the seat of war, and were trusted with the exercise of such discretion, as would save the local Government from any embarrassment on account of the support it offered to the public journals. The policy of the late Company was to treat public opinion with supercilious contempt, and to try to evade criticism by an assumed appearance of indifference. But even the most determined, and certainly not the least talented public opponent of the 'patriarchal system,' remarked in a spirit of good humoured irony that, 'the difference of the respect in which the governing powers are held by interlopers and other "sweepings" in the Punjab and Bengal 'shews the extent of the error committed by Sir John Lawrence' in suffering any intimacy, or connexion, between the local government and the local press.*

The Punjab government is a government of reforms; it owes its existence to reforms, and it has maintained its character as a reform government by a relentless repudiation of exploded theories, though deeply rooted in the official mind. The Punjab government is a government of progress and development; it repudiates vague theories and rests its claims on accomplished facts. It has consulted and provided for existing necessities, without having given any embarrassing pledge which would confine its choice of future action. While the governments of the older provinces seem to have lapsed into a state of inanition after a few years of usefulness, the Punjab government bears from year to year undoubted evidence of continued and well sustained progress. Its administrative

* *The Dacca News*,

machinery does not pretend to any learned elaboration; simple of necessity, we doubt not, it will adapt itself to higher necessities when an advanced state of civilization brings them into existence. The principle of the Punjab system of Government is not only to avoid legislative bigotry, but also to guard itself against legislative anachronisms. While a state of stupor is inseparable from tardy legislation, premature enactments, which as a rule must be attended with failure, are naturally calculated to fill the public mind with disaffection and an unreasonable dread of all reforms.

The public mind is too apt to dispense with calm reflection in the presence of danger, and every reform falling out of its time, and failing in consequence, is calculated to prejudice the cause of reform in general, while each successive failure serves to confirm, more and more, the public apprehension. Every reform to a certain extent partakes of the nature of an experiment, but when reforms are viewed with dread and alarm, the public mind is unwilling to trust even to a favorable chance; and a scrupulous attachment to dead certainty is a weakness which legislative anticipations are only too likely to increase. In the Punjab the Government deals with necessities as they arise: avoiding on the one side stagnation, and on the other a feverish struggle for reform.

Of the Bengal government it was remarked that they 'seem in all their schemes and plans to be at least two hundred years behind the age, if we compare them with England, and fifty, if reference be had to the natives of the country.' But if the Punjab government were ever to fail in adapting itself to an advanced state of political and social existence and in providing for higher necessities, it will have renounced the principles of government it avowedly and so successfully pursues now. As long as it retains political vitality, there are no just grounds to apprehend that it ever will abandon the principle of assimilation, of gradual and necessary progress. These principles, the exclusive property of only such Governments as are destined to a prolonged existence of usefulness, we hope will not be abrogated by any false philosophy that hereafter may be brought to bear on the Government of the Punjab, this is perhaps its greatest danger.

ART. II.—*Annual Report of the Administration of the Straits Settlement 1860-61.*

CERTAIN spots on the surface of our globe at once strike the eye of the observer as of commanding importance. Such, in a military point of view, are Elsinour, Gibraltar, and Aden. Such, in a commercial point of view, are Constantinople and Alexandria—cities which are monuments of the sagacity of the great men whose names they bear. And who will doubt that Great Britain owes her supremacy among the nations of the earth as much to her central position with respect to the distribution of land over the earth, as to the untiring energy, the indomitable will, and the wise sagacity of her sons. That England was marked out for wide-spread dominion few will question, who consider her natural features, her rock-bound coasts and spacious harbours, her inexhaustible mines of coal, tin and iron.

Yet of all geographical positions of a secondary importance we believe, that none combine so many natural advantages as Singapore, situated as she is, with a spacious harbour, in the midst of the richest countries of the earth, the greatest portion of the trade of which must touch her port. In half a century hence, when the immense resources of Japan, China, the Indo-Chinese Peninsula, and India, shall have been opened up, and the vast and rich Islands of the Indian Archipelago, each fitted to constitute a flourishing kingdom, have become thoroughly known, she will bid fair to become the greatest naval harbour of southern Asia, and the entrepôt of the glittering wealth with which ancient voyagers and romancers have always, and not unjustly, clothed the climes of the East.

It is strange that the Dutch, with all their natural shrewdness in commercial matters, should have failed to take advantage of the facilities offered by such a place. They little suspected the rich treasure which was within their grasp but half a century ago, in the then small fishing village of Singapore, and we are much mistaken if they yet have any idea of the untold wealth and of the many advantages which lie hid in the unnumbered islands which constitute their boasted empire of Netherlands India. The honour of founding the great commercial capital of the East was reserved for Sir Stamford Raffles, one of those original men who half a century ago were at once the brightest ornaments of the Anglo-Saxon race and the most efficient promoters of its power and stability in the East.

The *Friend of India* in an article in July, 1859, writes thus :—
'The same wonderful imagination that led Alexander to fix upon Alexandria as a site led a man to whom history has yet to do justice, Sir Stamford Raffles, to fix upon Singapore.' The *Friend of India* here scarcely does justice to the genius of Alexander or to the wisdom of Sir Stamford Raffles. We believe it was his earnest hopefulness of the future joined with a calm and steady judgment, rather than imagination alone, that led Sir Stamford Raffles, after being compelled to abandon Java, to fix upon Singapore as the capital of the commercial empire that England was to found in the East. The pains he took and the reasons he urged to induce England to possess the small Island at the southern extremity of the Malayan Peninsula sufficiently show this.

For a sum of 60,000 dollars and a yearly stipend of 24,000 dollars for life the Sultan of Johore made over the Island of Singapore to the British in the year 1819. Sir Stamford Raffles lived but a few years to lay the foundation of the commerce of the port, and was succeeded by Mr. Crawford, one not unworthy of being his successor. But those who followed them possessed but little of their vigour. The last Governor, Mr. Blundell, in especial, was more fitted to shine in private than in public life. During his long term of contentions, if not of misrule, there was but one opinion with respect to the prosperity of the Islands—that it was checked. It was believed that Colonel Cavenagh his successor, selected by Lord Canning, would prove equal to the post. Lord Canning could scarcely have made a better choice, especially, as it was rumoured, that the French viewed the Straits as, in every way, an eligible acquisition. Colonel Cavenagh had however no special training to fit him to be the Governor of a rising, commercial country. We believe that no Governor of the Straits will succeed entirely who is not possessed of some experience in governing commercial interests. This is the main, if not the only reason, why the European inhabitants of the Straits have been clamouring so loudly for a transfer to the Colonial office; and now that they have succeeded in their object, for the transfer is only a question of time, there can be little doubt that their longings for a different class of Governors will soon be satisfied.

With the above remarks we open this article in which we intend to take a rapid survey, first, of Singapore, then, of Malacca, and lastly, of Pinang, the three stations which comprise the Straits Settlement.

When Sir Stamford Raffles took possession of it in the name

of His Britannic Majesty King George the Third, and planted the British flag in the soil, Singapore was but a hidden creek or inlet running into one of the myriad unknown islands which are included in our Maps under the general title of the Indian Archipelago; its shores were lined with rows of ill-looking craft, and there might be seen a few fishing stakes with rude nets laid on them to dry, naked urchins running about with mangy dogs for their companions, or digging in the sand for crabs, and, a little higher up, some fifty or sixty irregular and wretchedly constructed huts standing high above the ground on posts as if on stilts, and covered with a coarse matting of the Nipah palm. The dense primeval forest, before which our loftiest European woods shrink into insignificance, and whose twilight shades had never been penetrated by a single human being, bordered close upon the piratical settlement. A few conical hills raised their forest-covered tops sufficiently high above the surrounding vegetation to be distinctly visible. At their bases, hid by the forest, lay dismal malarious swamps where day and night only the serpent's hiss or the tiger's growl may have been heard. Altogether, the scene was one wild desolation, feared alike by the enterprising European and the peaceful native trader of the surrounding seas. The solemn stillness of the village was seldom broken save by the dull and ominous sound of the pirates' gong, re-echoed far over the still waters. Such was the Singapore of 1810. The Singapore of the present day is a great city of 90,000 inhabitants stretching upwards of five miles from the Peninsular and Oriental Company's station at New Harbour on the West to the vast cocoanut plantations on the East. Spacious roads covered with hordes of Chinese, Klings, Malays, Jews, and Arabs; churches, town-halls, Institutions and Court-houses, esplanades and ware-houses and solid stone piers running far out into the harbour, which is covered with vessels of every flag and rig, present to the eye the spectacle of a highly civilized and prosperous city. The forests have been cleared away in every direction East and West, and their place occupied by fruit orchards, vegetable gardens, nutmeg, pepper, gambier and sugar plantations; roads twenty miles and more in length have opened up the Island from one extremity to the other; the rivers and canals cutting the town in every direction have had their banks lined with granite stairs to facilitate the shipment of goods, and are crossed by substantial bridges; the genius of Commerce has touched the place with her magic wand and created a trade of 14,000,000*l.*

There are three principal passages leading into the harbour, one from the China seas on the East; another from the Bay of

Bengal through the straits of Malacca, on the West; and the third from the Southern and Indian Oceans through innumerable dangerous straits past the Dutch settlement of Riou on the South. A lighthouse stands at the extremity of both the East and West passages. Another small entrance is through a narrow strait between St. John's and Singapore Islands through what has been named the New Harbour where the Peninsular and Oriental Company's vessels coal. Entering by either of the three great channels, whose opposite banks can easily be descried by the naked eye, or by the other small passage, the wide and spacious harbour, in which a thousand sail may lie with perfect freedom as to space and safety from the desolating squalls which visit the seas of the Archipelago, at once opens on the eye with a pleasing effect. As the vessel approaches nearer her anchoring ground the town gradually becomes visible, whereas at first only Government Hill* and a few other eminences were seen. After voyaging past wild and desolate islands covered with a rank and gigantic vegetation, though from a distance they appear perfect gems of loveliness set by nature's own hand in those soft and summer seas, the eye hails with delight the civilized and busy scene presented to it here. But the picturesque beauty of Singapore as seen from the sea can only be fully felt by those who slowly sail into the harbour through the small passage referred to above on a clear, sunshiny day. Reposing on a background of gently swelling hills may be seen, first, densely crowded groups of substantial Chinese houses; next, the warehouses of the Commercial quarter; and then, European residences, public buildings, esplanades, and, far away to the East, thick cocoanut groves; and the quiet harbour with its floating burthens, each an object of beauty, completes the picture. The Island is 26 miles long from East to West and 14 miles broad from North to South. The town, just one degree North of the Line, is built along the shores of the harbour, and from end to end is about five miles long with an average breadth of three quarters of a mile. Rochore River, its Eastern boundary, separates it from the suburb of Gaylang and its extensive cocoanut plantations; Singapore River, runs through its middle; while its West is terminated by what was once the Military Lines (now removed far away to the North East on the Tanglin Road,) and the New Harbour. Numerous straight and wide roads, all the work of the gangs of convicts who have hitherto helped to beautify

* Government Hill is about 160 feet high. There are no hills higher than 300 feet in or near town. The highest hill Bukit Temah is in the centre of the Island and about 500 feet high.

Singapore, but whom the inhabitants now wish to turn over to the Andamans, stretch across the Island in every direction. These roads pass first through dense cocoanut groves with here and there a glade leading to the very sea-beach, and afterwards, through hill and dale all under cultivation. About eight or ten miles from the town, especially towards the North, where the jungle still holds its sway and where tigers crossing over from the mainland* roam at will carrying off unfortunate Chinese squatters, these pleasant views cease. Though a great part of the Island still remains uncleared, yet, what has been done already in the way of clearing it and opening it out is more than could have been reasonably expected by any one when Singapore was taken possession of 40 years ago. There are inhabitants now living, who can recall to mind the fishing huts on the strand, where it has now been covered with lofty and substantial godowns, and who then objected to purchase land at ten dollars the acre, which now it is difficult to obtain at *a thousand dollars*. Many poor adventurers who then invested a few hundred dollars in land have now become wealthy proprietors. Nothing can be imagined more lovely than that part of the Island which has been brought under cultivation. Miniature hills whose sides are covered with orchards of a hundred varieties of tropical fruit trees, or with the luxuriant bright-green foliage of the nutmeg, are usually crowned on their summits by substantial, sloping roofed cottages, the country residences of those who can afford the luxury.

The climate of the Island has an average temperature of 75° throughout the year, and frequent, but slight and refreshing showers keep the vegetation always green and fresh. Droughts seldom occur. One lasting three or four weeks is looked on as a great and uncommon calamity, as the wells from which the town and shipping are supplied with drinking water then nearly dry up, and the plantations begin to droop and wither. The soil with but little industry and tillage produces all the tropical fruits. It is essentially sandy but mixed with vegetable mould and the detritus of granite, which rock, at a great depth, forms the basis of the Island. But by no means can it be termed a rich soil. Plantations of the pepper-vine, so plentifully cultivated in Sumatra, Borneo, and the Malayan Peninsula, soon exhaust it. Spice trees, too, though they may be said to grow, and are often seen even to flourish, do not take a firm hold in it. The tenacious

* The Straits separating the Island from the mainland are about a mile broad, and were anciently the channel through which vessels for China passed. They are crossed by tigers from the Peninsula.

yellow clay, immediately underlying the sands, is very poor, and destroys rather than affords nourishment to spice trees. Spice plantations, though at their first introduction they paid their enterprising managers, are now found to yield very little profit. A blight, too, falls every now and then on nearly every plantation, causing the destruction of great numbers of the finest trees. But the soil appears to be well adapted for the cocoanut. A plantation of 10,000 cocoanut trees raised from seed after paying all expenses, is worth in six years just 10,000 dollars, or 22,500 Rupees per annum. This will remain a secure revenue for ever provided old trees and those attacked by beetles, which cause a destruction of about two per cent per annum, are replaced when necessary with young plants. In a cocoanut plantation laid out with a due regard to the admission of the light and air, each tree produces annually about 100 nuts. The immense quantities of decayed stalks and leaves are used for fuel with the ashes of which the roots of the trees are manured.

Although, as we have stated, the cleared land on the Island is small in proportion to the uncleared, year by year the extent of cultivation increases. Chinese and Malay squatters in defiance of tigers move forward on their pioneering march, and not very many years hence the whole Island, excepting the red and dusty town and the numerous swamps about it, will, we expect, present an unrivalled scene of miles on miles of Chinese and European villas, and become one blooming and evergreen garden. Flowers of every variety are in full bloom throughout the year, and most of the fruit trees, too, may be seen in continual blossom. The swamps just spoken of, are, fortunately for the inhabitants, daily flooded by the salt-water tides, which render them innocuous. Malaria, therefore, does not much prevail on the Island, except where the forests exclude the light and the air. Narrow, winding streams run into the surrounding seas in all directions, but they are all undrinkable being of a disagreeable taste and peculiar odour.

The town itself, as we have stated before, is about five miles long by three quarters of a mile broad. The breadth is annually increasing, and sometimes a whole street of substantial houses is built up in a few months. Two or three principal streets run the whole length of the town parallel to the strand, and numerous others cross them at right angles. They are all wide and well drained. Many parts of the town present quite a Chinese appearance, and the busy throngs of celestials moving about them make them resemble vast beehives. The Chinese are certainly no idle race. Pushed out of their own country by crowded

competition, wherever money can be made, whether in California, or Australia, or Borneo, or elsewhere in the Archipelago, or the Straits, or the West Indies, there they are sure to be met with in thousands and tens of thousands. From the break of day till its close, the number of Chinese who pass and repass along the principal thoroughfares, all intent on business, appears astonishing to a new-comer. We seldom see idlers in Singapore, as we so frequently do in Indian cities.

The greater portion of the town is occupied by the Chinese, both for shops and dwelling houses. The shops are usually on the lower floor, and the lodgings on the upper. The richer Chinese have beautiful, light and airy villas out of town, generally pleasantly situated on the summits of hills, where they either live or spend a few days on pleasure. Some quarters of the town, near the suburbs, however, are occupied by some immense, plank-sawing establishments. The timber is brought over from the mainland in native boats, and as there are such numerous streams cutting Singapore in every direction, no difficulty is experienced in landing it near the saw-mills. Sago manufactories were once abundant near the town wherever there were swamps, but in consequence of the disagreeable effluvia rising from them, they have, by an order of the Municipality, been almost all removed to a distance of seven miles from the suburbs.

The busiest scene in Singapore, where every scene is busy, is that part of the town called Raffles Place or Commercial Square. It is a rectangle of about 1500 feet by 300 feet enclosing a green plot, and bounded by two-storied, brickbuilt houses occupied by the European commercial firms of the Island. These houses do not strike the eye of the beholder from without as at all large. On entering them, however, he finds they contain lofty and apparently endless godowns, where the merchant's fragrant wares, the spices of the East, lie heaped up to the very roof, and on passing through them he comes suddenly on the stone piers against which the surf continually dashes. On returning into the Square he will see English, American, French, German and East Indian Captains; European, Indian, Negro, and Malay sailors; the Jew stalking along with his handsome face, peculiar dress, and tasseled cap, and with an expression of features that tells of his consciousness of superiority to the races by whom he is surrounded; the Armenian with his grave and patriarchal type of countenance; the Persian, and the Arab, in the peculiar flowing and coloured robes of their respective countries; the Guebre or Parsi with his good-natured countenance, expressive nevertheless of a deep acquaintance with the

ways of the world; the Bengali, timid yet keen; the Kling and Malabarian with their shrewd and cunning looks; the honest faced Malay of Singapore or Malacca; the Javanese of Java; the Boan of Amboyna; the independent and haughty looking Bugisman, native of the Eastern parts of Celebes; European and East Indian merchants and clerks hurrying to and fro; Chinese traders, clerks, and coolies, all with the unvarying, sensual cast of features and low cunning twinkle of the eye which characterise the race; carts rumbling heavily along and creaking under their loads; scores of young ponies just landed from Sumatra, or Java, or Bali, in one corner, and heaps of non-descript goods in another,—all these, put together, form a scene, picturesque and full of bustle, the like of which, on an equal space of ground, might be sought for elsewhere in vain. To the unpractised eye, the different races of the Archipelago are not easily distinguishable, and it requires a long acquaintance with Commercial Square to be able to take in the full meaning and variety of the scene. We believe, not many years hence, Singapore will have half a dozen such squares. Not that trade has not already found other habitats in Singapore. The western bank of the Singapore River particularly, among other localities, may be mentioned as carrying on a great deal of business. With the exception of the Singapore Institution, the Court House, the Town Hall, and above all, the beautiful and spacious Episcopal church, there is not one decent looking building in the whole place.

The only Monument, and it is an insignificant one, is on the Esplanade, built in commemoration of Lord Dalhousie's visit to the Straits. The merchants were so led away by his Lordship's promises, regarding the administrative and commercial reforms he intended to carry out in the Straits, that they voted him a Monument. But Lord Dalhousie forgot the Straits in his care for the vast territories which he added to the Empire. Before we have done with our topographical description of the town, we may just notice the Cemetery and the Convict Lines. The Cemetery is upon the eastern slope of Government Hill and is pretty full. The Convict Lines, immediately beneath the Hill on the East, and always kept beautifully clean, contain upwards of 2,000 of the scum of India. They are very easily managed however, and save the state annually a large sum of money. The chief residents of Singapore have however lately been agitating for their removal, forgetting that the beautiful Church, the Fort, the spacious and well raised roads of the town and Island, and numerous other works testify to their usefulness, skill and ability.

The principal elements in the Singapore population are the Europeans, the Chinese, the Klings, the Malays, and the Portuguese; and we proceed to notice them briefly, leaving out of view the numerous other classes, such as the Bugismen, numbering about 5,000, the Javanese, about 3,000, the Boyans, about 2,000, and the Cochin Chinese and Siamese, about 1,500. The Bugismen, Cochin Chinese, and Siamese are generally petty traders; and the Javanese and Boyans mostly domestic servants.

The Europeans, under which head we include East Indians number about 500. They generally live in pleasant garden houses in the suburbs. A few of them have their residences facing the Esplanade. Their dwellings are for the most part comfortable and roomy, though many of them have plank walls and partitions. Trade is the principal object with most Europeans, and they are either partners in mercantile firms, clerks in commercial offices, hotel-keepers, or the floating population consisting of travellers, ship-captains, and others. We do not include here the Civil and Military Officers or the Soldiers of the garrison. If society is exclusive any where in the East, it is so in Singapore. Money-making has not many humanising tendencies. The richer adventurers exclude the poorer from social intercourse with them, and the poorer, as they increase in wealth, seek the society of those who once kept them at a distance and exclude those who take their place. The evil effects of such a system is great in a place like Singapore, where society is so contracted, literature unheeded, and amusements few. While the wealthy have their pleasant villas, their wives, and the few recreations they are in a position to command; the young assistants and clerks unite with ship-captains and other pleasure hunters to crowd the drinking shops, politely termed 'bowling alleys' and 'billiard rooms,' or frequent the brothels so numerous in all quarters of the town, or have Malay mistresses at home. This laxity of morals has however greatly diminished during the last few years, and will, we may hope, continue to do so. The senior merchants have begun to exercise some influence on their juniors, and ladies, the great want of Singapore, are to be found in many of the houses, forming centres of quiet and well regulated households. But as a seaport town, and as containing Chinese, Klings and Malays, Singapore must always continue somewhat lax in its morality.

The Chinese number nearly 60,000, of whom, however, only a tenth are females. They are scattered all over the town in dense, compact masses, but especially towards the west, where Pekin, Canton, Hongkong, Fakien, Nankin, and Shanghai

streets crowd together in admirable confusion. A not inconsiderable number of this class are what are called 'Babas,' the descendants of Chinese who settled at Malacca upwards of two centuries ago. Few of them have seen China though they retain a great veneration for it, and they are generally better able to speak the Malay than the Chinese immigrants. They keep their families at Malacca, and are much attached to that place, where, as we shall see hereafter, the graves of their forefathers form a vast city of the dead. The real Chinese immigrants, with the exception of a few who are wealthy, are mostly of the lower orders of the people; Chinese junks, bringing annually thousands of penniless adventurers, disgorge them at Singapore to swell the ranks of cultivators, coolies, carpenters, boatmen, tailors, shoemakers, and criminals. The professions followed by the Chinese are most numerous and varied. Their Pagoda is a wide and substantial building profusely decorated with the usual fiery dragons and lions, and containing an image of the 'Queen of Heaven.' There are numerous joss-houses throughout the town, but the existence of these does not evidence any religious feeling in the Chinese of Singapore. To describe the Chinese fully, with all their singular manners and customs as they exist in the Straits, would require a separate article, and we must forego doing justice to them here. We shall merely mention, that they are eager to acquire a smattering of miserable English, which is all that the so-called Free Schools at Singapore and the other Straits Stations seem to be capable of bestowing. They are madly fond of opium, arrack, samsoo, and theatrical performances, which to a European are either simply absurd and ridiculous or grossly obscene. They keep their Festival of the New Year with a reckless expenditure of money, a deafening and continuous firing of crackers for days and nights in succession, and grand processions, sometimes a mile in length, in which figure josses, waving streamers, and a monstrous flying dragon with show-girls seated on its back; the Chinese here are grossly immoral, abounding in the abominations of ancient heathendom; their 'gods' are their money and their belly; they entirely ignore the spiritual element in man; all their females, with the exception of grown-up virgins, are allowed to be seen; they are fairly laborious and extremely crafty; many of them are cut-throats, especially those who belong to the secret societies, associations which have given much annoyance to the Straits Government and impeded the course of justice, and which should, proper precautions being taken to prevent a popular outbreak, be at once broken up and extinguished by a decree of Government, carried out by a strong military force.

The Klings, emigrants from Madras, number about 15,000, and are chiefly washermen, syces, carters, podars, shopkeepers, boatmen, and policemen. They are deceitful and cunning, and those in the Police are said to be corrupt. They are, in the proportion of one in twenty, provided with females (not wives), and the rest are grossly immoral, being nearly on a level with the Chinese.

The Malays, about 15,000 in number, are all provided with wives, but are nevertheless immoral, letting out for hire their daughters, and not seldom their own wives to those among the Europeans, Chinese, and Klings who want them. They are an indolent, but polite and affable race. Very few instances of deceit and lying, so abundant among the Chinese and Klings, are met with among them. They look with great respect on Europeans, but despise the Chinese. The character of the Malay is essentially the same throughout the Archipelago, only tinged with peculiar shades according to the locality in which it is developed, in Borneo, for instance, where there is a slight degree of ferocity, not usually visible however, intermixed with the affability and politeness we have spoken of.

Lastly, the Portuguese, or Indo-Portuguese as they are sometimes called, about 2,000 in number, are the same degraded class here that we find them all over in India. A large proportion of them are found in domestic service, some are clerks, others tailors, or compositors. Their defect is untrustworthiness; but in comparison with Chinese and Klings they are moral and virtuous. They have a large Church, rivalling the French one, attended by French Romanists and ambitious Portuguese, not far from which it stands. The Armenian Church, not far from these two, is a small but neat building.

The places of education are the Singapore Institution, where there are about 120 Chinese and Portuguese lads under two or three teachers just able to bestow a smattering of the first elements of knowledge. The pupils are either boarders or day scholars; if the former they pay three dollars each a month, if the latter they have nominally to pay nothing, but usually there is some payment made. After remaining a few years, they leave school able to write a neat hand, and to cast up figures, but with little else, as very few of them can read intelligently. The Institution was founded by the Christian community of Singapore some years ago, and the English Chaplain is the Secretary. A little nominal Christian instruction is bestowed, but not one of its Chinese pupils has ever become a convert. Adjoining the Singapore Institution, is the Benevolent Ladies'

Institution for Girls. These ladies are in England, where they subscribed funds, and whence they sent out a School-mistress, who has now from 50 to 60 grown up Chinese girls under her charge whom she is certainly educating to some purpose, for most of them are exceedingly well-behaved, all attend the services of the Church and some have become Christians. About two miles out of town, towards the North, situated on a small hill, are Mr. Keasberry's Schools for Malay Boys and Girls, aided by Government with 1,500 dollars a year, and by the Tumangong, a Malay Prince, with a like sum. Mr. Keasberry was once in connection with the London Missionary Society, but withdrew from it when the Society abandoned the Straits for China. There are about 40 young lads, and 20, chiefly grown-up, girls. They are given over by their parents or guardians for a certain number of years into Mr. Keasberry's charge, during which time he has to feed and clothe them. He teaches them the plain truths of Christianity and insists on their attendance at his Malay services. This system has resulted in some conversions. His converts are certainly some of the most sincere and intelligent we have anywhere seen. His boys as they grow up are taught handicrafts, as book binding, printing, lithographing, and we would wish to see this system more widely carried out in India by Missionaries than it usually is. The girls are kept till the time their parents remove them, or if, as is often the case, they are orphans, they are retained till they are properly disposed of in marriage. Each sex has separate quarters, studies, and teachers.

Besides these there are some day schools for the young, a Romanist School for the Portuguese, a nunnery, and two miserable classes kept by two Hindus of Madras in the Chinese quarter of the town for teaching reading and writing.

Mr. Keasberry seeks to influence Native thought by publishing some curious Malay periodicals, of which we may say, that they do little good save serving as a protest to the money-seeking tendencies of Singaporeans. Still, we must admit, that some of the wealthier merchants are often very liberal in their donations towards Mr. Keasberry's Mission, which labours chiefly among the Malays. There are also, besides the Romanist Mission, chiefly directed to the Chinese, and which numbers some thousands of converts, a native Catechist to the Chinese connected with the Scotch Minister, and a native Catechist to the Klings connected with the English Chaplain. The Society for the Propagation of the Gospel, too, has just appointed a Missionary to Singapore.

Before we have done with Singapore we must refer to its trade which has made it what it is. As might have been expected from the situation of the port, its trade has gone on steadily increasing. It was thought some ten years ago, that the prosperity of the Island had reached its utmost limit. The value of the trade was then just £ 3,000,000. In 1859 it had increased to £ 12,000,000, or had *quadrupled*. During the last official year, although the Report would show a slight diminution from the last mentioned amount, still we think there is no reason to believe, that the trade will now become stationary, or begin to retrograde. At present, though already the fourth city, in all Asia in commercial rank said above, only the foundations of its future commerce have been laid. We may yet see it equalling in trade that of Shanghai, Calcutta, and Bombay, and, it may be, outstripping some of them. The number of square-rigged vessels which arrive annually at the port may be set down as 2,500, with a burthen of 1,000,000 tons. Of these, fully 1,500 vessels carry British colours; the remaining 1,000 being composed of Dutch, about 500 vessels, but with a burthen of about 100,000 tons, next, of American, with a burthen of about 200,000 tons, and lastly, of Arabian, Belgian, Bremen, Danish, French, Hambro', Native, Portuguese, Peruvian, Prussian, Swedish, Sardinian, Siamese, and Spanish, with a total of 100,000 tons.

But there is, besides, a large traffic carried on by natives through Chinese, Malay, and Bugis junks and prahus, which cannot amount to much less than £ 2,000,000, and on the expansion of this trade much of the commercial prosperity of Singapore depends. Of the nature and value of it we may obtain an idea by considering the following statements.

The China junks, about 300 of which annually visit Singapore, are of an average burthen of 100 tons each. Manned by native Chinese, they come with the monsoon, usually consuming three months in their voyage, and arriving at Singapore towards the early part of the year, where they anchor for another three months. Their cargoes consisting of tea, camphor, nankeens, raw-silk, tiles, jars, and all sorts of indescribable supplies for the poorer Chinese scattered all over the Archipelago, are readily disposed of to a good profit to the Chinese traders of the place. Their return cargoes consist of cotton and cotton-goods, opium, pepper, tin, rattans, birds' nests, &c. They take back, too, a quantity of dollars remitted home by the Chinese of Singapore.

The Bugis prahus, about 200 of which, with an average burthen of 50 tons each, annually arrive at Singapore towards the close of the year, bring large quantities of Celebes coffee,

of a quality reckoned superior to the vaunted Mocha, and expressly reserved for the English market, tortoise and mother of pearl shells, live birds of the most gorgeous plumage, gold dust, *biche de-mer*, kayuputi oil, corals and rare varieties of sea shells, native cloths of a most tough and durable texture, and a number of other articles. They come principally from the islands of Celebes and Gilolo, taking on their way different ports, and trading, chiefly in slaves, between them. They procure their cargoes from the neighbourhood of Papua and the numerous islands surrounding it, sometimes even visiting the north coasts of Australia, and are engaged in gathering here a little and there a little for months previous to setting out for Singapore. Sailing in small fleets, pirates generally keep shy of these bold and fearless men, and even the noted Lanon pirate fleets, who hesitate at nothing else, pause before they attack the Bugis. For, ever upon the seas which surround Celebes and Papua, they are excellent sailors, but at the same time they are very simple and are no match for the wily Chinese. When they arrive in port, all the native traders of Singapore are astir in order to secure, each for himself, as early and as cheaply as possible the treasures of the Eastern Seas. After the Bugismen, have wandered about the bazaars for a few days enquiring into prices, they strike their bargains and unload their vessels, and, as is very often the case, they part with their goods for a fourth of their proper value. Then may be seen Malay shell sampans covered with the most rare and lovely shells and corals plying about from ship to ship in the harbour; tons of tortoise shell and mother-of-pearl glittering in heaps before Chinese stores; and all Singapore filled with crimson and scarlet feathered loories, birds of paradise, and snow white cockatoos. The return cargoes of the Bugis traders consist chiefly of iron, steel, cotton goods, gunpowder, opium, gold-thread, &c., and on these they make enormous profits in their own islands far away in the Pacific.

The Malay prahus from the islands of Bali, Lombok, Borneo and others, come in flotillas of all sizes, and often run narrow chances with pirates. They bring large numbers of strong native ponies, some rice and coffee, pepper, camphor, rattans, gold-dust, and sago, and take back muskets, gunpowder, opium, dollars, and cotton goods.

Besides the above, there are some native junks, well built and quick sailers which carry on trade between Cochin China and Singapore. They usually bring rice and sugar, for which productions Cochin China is famous, also cocoanut oil and sago. The greatest part of the Siamese and Cochin Chinese trade has

been diverted into square rigged vessels, generally steamers, owned by the Sovereigns of the two countries. We must not, however, forget to add, that the present attack upon Cochin China by the French, has greatly deranged her Sovereign's commercial calculations.

Malay and Chinese schooners of 30 and 40 tons burthen also constantly ply between Malacca and Singapore, bringing from the former place tin, rattans, poultry, fruits, and different productions of Sumatra as pepper, camphor, and gold dust, which are carried to Malacca to be thence transmitted to Singapore.

Singapore, as is well known, is a freeport, and vessels of all nations and flags may enter it and depart without paying anything beyond the Light dues.

Malacca alone of the three Straits Stations has a name in history; it being not improbable as we think, that it is the Eastern extremity of what was known as Ophir to the ancient Hebrews, or Sophir to the authors of the Septuagint version, whither the fleets of Hiram and Solomon voyaged on their trading expeditions. In various parts of the First Book of Kings the following notices are given of the productions of Ophir. 'And they came to Ophir, and fetched from thence gold, four hundred and twenty talents.' 'And the navy also of Hiram, that brought gold from Ophir, brought in from Ophir great plenty of almug trees, and precious stones.' 'Once in three years came the navy of Tarshish, bringing gold and silver, ivory, and apes, and peacocks.' It is well known that there has been a dispute among the learned as to the situation of Ophir. Some contending that the Eastern part of Africa now called Zanguebar and Mozambique, where there is a region called *Fura* producing gold, was the Ophir or the Tarshish of the East, Spain being that of the West. Others believe that the district of Oman in Eastern Arabia, where is a place called *Al-Ophir*, is meant; and others say that India and Ceylon are to be understood. We do not intend to fix on any particular spot and call it Ophir; but we wish to see where the statements of Scripture lead us. The Eastern Africa theory is entirely inconclusive; for although it is said, that the Queen of Sheba (the present country of the Hebshis or Abyssinians and the southern parts of Arabia) came to see Solomon with great stores of gold, precious stones, and spices, it is nowhere said that these, at least the gold and precious stones were the productions of Sheba. As Sheba lay contiguous to the gold regions of Africa and not far from India, it does not seem at all improbable, that she obtained these precious articles by trade with those countries. Though 'apes,' or monkeys and 'ivory,' may be found in abundance in Eastern

Africa, we are not aware that either 'silver' or 'peacocks,' 'almug' trees or gems can be procured there. This theory, then, is inconclusive, together with that which fixes on Oman, for the same reasoning applies to both, and both must be abandoned. We have now only Ceylon and India, to fall back upon. But we would first state that the Hebrew for 'peacocks' might better be rendered *parrots*; that 'silver' should be translated or understood to be a metal of a *pale white colour*; and that by 'almug' or 'algum' trees Hebraists generally understand the *sandal wood tree*, but without much reason; for sandal wood, whether of the red or the yellow variety never grows in such abundance, or to such a size as would allow of 'pillars for the house of the Lord,' or 'terraces,' or 'highways,' being made from it. Sandal wood is generally used for ornamental boxes and other small articles, and even Indian Princes with all their command of the material, leave as monuments of their magnificence nothing larger than doors of sandal wood; but as for making 'pillars,' or terraces,' or 'highways,' it is never dreamt of; first, because the tree would not furnish timber for a 'pillar,' and secondly, its forests would not furnish sufficient quantities of material for either 'terraces' or 'highways.' The uses to which the 'almug' was put gives us the idea of lofty, gigantic trees, which though valuable could be had in abundance. The only reason which has led Hebraists and others to fix upon the sandal-wood tree, is because they know of no other valuable tree in the East; some have indeed thought of the *cedar*, but this requires no refutation. Now India and Ceylon could have furnished the gems, as well as the 'monkeys,' 'parrots,' and perhaps the 'gold'; for the regions of the Indus (the ancient *Havilah*) still produce a little of the metal, but what were the valuable almug trees, which were to be had in such abundance? Before we reply to this question we shall draw attention to the facts that Borneo is eminently a gem-producing country, the largest diamond ever discovered being said to be in the possession of the Sultan of Mat-tar, a principality in South Western Borneo; that richer pearl banks than have ever existed, or do now exist in the Sea of Oman or the waters of Ceylon, are to be found to the East of Borneo in the channels of the great Sooloo Archipelago; that monkeys of innumerable varieties from the *orang-otang*, that caricature of man, to the meanest and smallest species, people every wood of the Indian Archipelago, so much so that it is often called 'the land of apes and monkeys'; that parrots, loories, cockatoos, birds of paradise, and a hundred other gorgeously dressed varieties are to be found in abundance all over the Archipelago, and that

the wide extent of the Archipelago is one vast, inexhaustible gold producing and distributing country. Having brought these facts before the reader we may now state the reasons which lead us to consider the Indian Archipelago, and in it the port of Malacca, as the termination of the voyages of the trading fleets of Hiram and Solomon. Silver (or, as, it may be understood to mean, *tin*) is nowhere produced in India; but the whole Malayan Peninsula, with its adjacent islands, is one rich *tin* field. Silver is a very precious metal, and yet it is said to have been as plentiful as 'stones' in Jerusalem. We find an easy explanation of this expression in the fact that the Hebrew word which has been translated *silver* may be rendered *tin*, the largest known deposits of which metal are found in the Indian Archipelago. Another production peculiar to the Archipelago is the *Camphor tree*, one of the most gigantic and lofty of the great trees of the forests, which so densely clothe these islands. The trunk often rises 120 feet before it branches out, with a girth a few feet above the ground of 25 feet. A single trunk would form a most magnificent pillar or column. The timber is so plentiful, that 'terraces' or 'highways' being made of it appears nothing improbable; it is also valuable, being fragrant and lasting. An extensive trade has always been carried on in it. The word 'almug' etymologically leads to the idea of the wood having the appearance of Coral, and 'algum' may show that the wood was either resinous, or produced some resin. It is remarkable that the timber of the camphor tree is resinous in quality, produces the most valuable resin* known, and has a fresh, pale-red tinge much resembling that of the common coral. Here, then, in the camphor tree, we may find the qualities and appearance of the 'almug' or 'algum tree.' The timber called Sapan wood also fulfils many of the conditions of the scripture description of the algum tree. To sum up what we have said:—'gold,' 'silver' (*tin*), 'ivory,' 'precious stones,' 'parrots,' 'monkeys,' and 'almug' trees, are mentioned as the articles brought back by the fleets of Hiram and Solomon; Eastern Africa produces 'gold,' 'ivory,' 'monkeys,' and even some 'parrots'; but no 'precious stones,' 'silver' (*tin*), or 'almug' trees;—Oman produces 'gold' and 'precious stones'; but not the other articles;—India and Ceylon produce 'gold' (in such limited quantities, however, that it would all be required for home use,) 'ivory,' 'precious stones,' 'parrots' (of common varieties and not much worthy of mention,) and 'monkeys;' but

* Camphor is not, strictly speaking, a resin; it is rather a solid volatile oil. (Note Ed. Cal. Rev.)

'silver' (*tin*), or 'almug' trees are not among her productions;—but, in the Indian Archipelago we find all these articles in the greatest abundance; it is one, great 'gold' and 'silver' (*tin*) field, mounds of 'ivory' are still found in its forests, in 'precious stones' it is particularly rich, 'parrots' and 'monkeys' of a hundred rare varieties enliven its forests, in which one of the loftiest and most common of trees is the *Camphor*, and in which the *Sapan wood* tree is abundant, in either of which we find the equivalent for 'almug.' We thus come to the conclusion that Ophir or Sophir was as indefinite and yet as well defined a term as 'the East' is with us, and that the articles specified were procured from different ports all along Southern Asia, the last port on the line being Malacca, which has thus in all probability been the mart of the Archipelago from time immemorial.*

By whom Malacca was first founded, it is impossible to determine, her history being buried in the remote past and the few Malay authors who make mention of her being utterly untrustworthy. It would seem however, that three centuries ago, Malacca was a colony of Chinese and subject to the Chinese emperor who, it is said by Wertemanus of Rome (1503), built it on account of the 'commodity of the haven.' This account of its origin will not seem improbable if we remember that China has traded extensively with the whole Archipelago from the remotest times,† and planted many colonies in different parts, of it, and to such extent in Northern Borneo, that Malay traditions tell us of Chinese Princes who were formerly Sultans of Brunai;‡ and when we consider the probability of the Chinese seeking an outlet for their trade to the West, as the caravan route from China to Persia passed for thousands of miles through deserts and mountains, under circumstances of serious danger. But whether Malacca was founded, or conquered, or wakened to new life by the Chinese, it is impossible now to determine. The harbour of Malacca is repeatedly praised in old writers, and it is itself mentioned as 'a city of marvellous great trade of all kinds of merchandise, which come from divers parts,' as 'the richest city of the Indies, next to Goa and Ormuz,' and as having merchant citizens so wealthy 'that they used to compute by no less than bars of gold,'

* Josephus we find expressly says that the *Aurea Chersonesus* was the Ophir of Solomon's time. This confirmation of our own conclusion is valuable.

† For the antiquity of the Chinese Trade in the Archipelago see an Article on the subject in the *Journal of the Indian Archipelago*.

‡ Among these traditions is found the beautiful legend relating to Kini Ballu (The Chinese widow) the name of the highest mountain in Borneo, for a rather inaccurate version of which see Hugh Low's *Sarawak*.

which last expression is still literally true and reminds us of the words used in Scripture regarding the quantities of gold which Ophir produced.

The Portuguese under Albuquerque took the place in 1509, having it is said defeated an army of 30,000 natives who were defending it; but the Portuguese rule extended over a very small circle round their Fort, and there were continual attempts made by the natives to retake the place. At last the Dutch, coveting it, allied themselves with the Malay Sultan of Johore, and attacked and took it in 1642, retaining it in their own possession. To be secure from their allies the Malays, they built a formidable fort, enclosing in it St. Paul's Hill, which rendered all native attacks on the place hopeless. Under the Dutch, Malacca began to regain its prosperity, till its revenue considerably exceeded its expenditure. In 1807 it passed into the hands of the English with the other Dutch possessions of Netherlands India, but was restored together with Java when the Peace in Europe closed hostilities with Holland. Finally, in 1824, Malacca was exchanged by the Dutch for Bencoolen in Sumatra which had been retained by the British. Here Malacca's history ended, and since then there has been only the episode of the Nanning war in which, for a due of some 25 rupees from some cultivators which they objected to pay, about 25 lakhs were spent in a bush-ranging warfare with the Malay rebels, and after all it was hushed up much to the credit of those who did so. Malacca's commercial prosperity declined from the time of its passing into the hands of the British.

The harbour is formed by a slight bend in the sea-shore, and separated from the wide straits by the interposition of three small islands. The water shoals at a considerable distance from the shore, so that the station is pretty safe from the operations of men of war. The view of the station as one enters the harbour from the South on a clear evening is the loveliest that can be imagined. First St. Paul's Hill is seen crowned with the gray ruins of what was a Convent in the Portuguese times, but is now used for the powder magazine, its solid walls being nearly shell-proof. As we approach nearer, the station expands, and we can see the gardens on the south, the swarded strand running along the base of the hill, the little stream which separates the native part of the town from the European and the closely crowded Chinese quarter, looking as if it was one mass of masonry. On entering into the stream to get to the landing place, an old ghaut, the pleasing effect is not disturbed. An ancient bridge spanning the rivulet stands upon the left, the old Dutch Church and Stadt

Haus are in front, St. Paul's Hill rises immediately above them, and to the left may be seen the beautiful strand and the tranquil harbour. There is no noise, no bustle, or activity, which strike one so rudely at Singapore; no vehicles are in waiting, there are but few passengers in the streets, and these all look so lazy, and contented, that a feeling of repose comes over the traveller wearied with the eternal din of the sister station in the South. As one walks up, he finds all whom he meets, Chinese, Malays, or Europeans, wearing the same lazy, comfortable look. Malacca is eminently a city of the past, not one of the present with its incessant bustle and commerce. The beauties of other places strike us by their novelty, which soon wears out, but that of Malacca, like Naples, though in a lesser degree, continues to expand in loveliness and new points of interest day by day. Were we to choose any place in all the East to doze away our existence in a calm enjoyment of the picturesque and beautiful in nature, and in a quiet round of pleasant and hearty social intercourse, our choice would rest on Malacca.

The old province attached to Malacca extended further than the limits of the present, and included mount Ophir; but by some ill-considered treaty the district surrounding the latter, rich in deposits of gold and tin, has been given up to the Natives. The present province of Malacca is about 31 miles square and contains from six to seven hundred thousand acres. There is very little cultivation carried on, and that only in paddy by the Malays. A road leads from the Station direct to Mount Ophir which is well worthy of a visit whether by men of science, or mere sportsmen, or lovers of beautiful scenery. The country near the suburbs of the town presents only sights of extensive paddy fields; but further off virgin forests cover the soil, with here and there a small Malay clearing. The Chinese consider Malacca a place for repose; the Malays are essentially lazy, and we have no European planters here as at the other two Stations, the reason of which is, that while the lands of the other two were unoccupied and the right to hold them could be obtained without difficulty, those in Malacca were burdened by various incomprehensible tenures. This has checked the prosperity of the Settlement, and made Government merely the nominal lords of the soil. It was to do away with these tenures that the Malacca Land Bill was introduced into the Legislative Council. We may explain them briefly by stating, that when the Dutch were masters of the port of Malacca, and but nominal owners of the outlying province, they recklessly parcelled it out among their servants in large tracts of from five to fifty thousand acres, on condition of their

paying a tenth of the produce raised. Thus the whole province belonged to a few lazy Dutchmen. This claim rests upon a document discovered in 1827, which referring to one of 1773, interdicts proprietors from levying more than one tenth of the produce from their tenants. We see here one of those trifling causes from which serious difficulties take their rise; for when in 1807 the province passed into the hands of the British, not a word was said about this wholesale giving away of lands; the Dutch were burning for shame that their empire of Netherlands India, their sacred preserve, should be taken away from them by the British; they even yet cannot look with a kindly eye upon the Straits Settlement; considering all these things it does not look improbable, that in order at once to do the British an injury and to reward their own servants and fellow-countrymen, the document discovered in 1827 was written out, just before the Dutch were leaving Malacca for ever, and made to refer to an apocryphal one of 1773. We trust we are doing the Dutch Government no wrong. It is remarkable, that not one of the so called proprietors possessed a title deed. This was perhaps forgotten in the hurry. This circumstance of course was explained away, when a strict investigation into their claims was made in 1827. What is asserted by the so called proprietors is, that the lands and the right of levying the tax on them, had been given away in perpetuity. Thus they were the real lords of the soil. The British Government, with that tenderness which has always characterised it in dealing with just or unjust claims on lands in India, determined not to ignore these doubtful claims, (which should have been done, and which was wisely done by Lord Canning in the parallel case of Oude with eminent success) but redeemed them at a total payment of Rupees 17,354 per annum to the claimants, who thereby received what they had never expected, for the tenth of the produce of their lands was a mere nominal revenue and they seldom could get it. At present, it is remarkable that though cultivation has increased on these lands, Government is a loser through paying the redemption money. The Dutch proprietors knowing the fact of the increase of the cultivation, and that British authority is real over the whole province, so that they could now go about their estates and collect the fair tenth, which would exceed the payment they receive, have clamoured to get back the management of their lands, and have thus once more drawn the attention of the Government to the anomalous tenures under which Malacca lands labour. We trust the Malacca Land Bill will decide the question for ever, and that Malacca will now start on a new career of prosperity.

The soil is virgin, and rich beyond calculation. It is adapted to every species of tropical cultivation. Sugar Cane grows in rank luxuriance and to an enormous size. Coffee and Cocoa thrive as they are found elsewhere to do only in Celebes and Brazil, the cocoa tree being often loaded with its rough, scarlet pods and growing to a height of 20 feet. Cocanoot trees live here to a great age, and some near the station are so old and lofty, that they are used as landmarks by mariners. Spices, with the exception of Cinnamon, do not succeed, though the largest and bushiest Nutmeg tree any where in the Straits is to be found in the little Government garden at the back of the Stadt Haus on the slope of St. Paul's Hill, and it is the only one now left of all the thousands which were once planted out. But Indigo thrives as it does only in Borneo and the lands adjacent. Indigo planters of Bengal would quite forget their troubles if they left Bengal and settled down somewhere in the Straits. With a healthy and salubrious climate; with labour available in abundance; with no powerful Zemindars to trouble them; with their lands their own; they would make their fortune in half the number of years that is required in India, for the soil may be made to produce *four* crops in succession in one year, instead of the two obtainable in Bengal of which one is always endangered by inundations. It will be a new era in the prosperity of the Straits when Indigo Planters make it the field of their labours. In India we only think of the Straits as a place of bustling trade, but there are hundreds of thousands of acres of the richest soil available in fee simple, and on which every description of tropical produce can be grown with large and speedy profits. It is partly this which makes us see the few Straits settlers, who have returned to England, powerful in making their wishes known and granted in and out of the House, while the numerous planters and merchants of India have little or no voice in Parliament at home. Mr. Horsman, one of the leading agitators in Parliament, and one possessed of considerable influence in the House, is a retired planter of Pinang. We do not, however, think *Cotton* will succeed any where in the Straits except it be in Pinang. The provinces North of Province Wellesley, *viz* Kedah and Tenasserim up to Chittagong are we believe the home of this valuable vegetable wool in the East.

Within the limits of the British province of Malacca there are several productive mines of tin and gold, which are worked by thousands of Chinese and Malay miners. But the principal mines of both gold and tin exist in and about Mount Ophir which, as we have stated above, has been unfortunately alienated

from the province. The depth of the gold mines is from 70 to 200 feet, and the process of pounding the rock and washing the gold dust is simple and rude. The tin is worked from lowlands at the depth of a few feet, and some of the ores are so rich, that they contain about 80 per cent of the metal. It must be remembered, that the whole Malayan Peninsula, from Perak and Queda (Kedah) on the North to the islands of Carimon and Banca, which were once probably connected with the main land, in the South, is one rich deposit of tin.

The town is divided into two distinct quarters, the Northern or Chinese, and the Southern or Christian, separated from each other by a small stream spanned by an old bridge. The Chinese quarter is, as usual, densely crowded and populous, but there is not so much bustle in it as in the native parts of Singapore. The Chinese here are all of that class who are called 'Babas.' Their forefathers settled here some centuries ago, took Malay wives, and the progeny that resulted intermarried only among themselves. They are generally men of some substance, and some of them are the richest Chinese merchants as well as landholders of Singapore. Most of them after acquiring a competency there, while yet young, retire to Malacca to enjoy the sweets of repose and doze away the remainder of their days. Chinese morality stands a degree higher at Malacca than at Singapore; and this may be owing to the presence of the large Portuguese Christian population, between whom and the Chinese there are many matrimonial links.

The Christian quarter on the South is built facing the harbour, with neat, substantial dwellings surrounded by gardens. Here the one or two officials and the few Dutch families reside. These last are generally persons who have inherited a competency, and pass their lives in cheerful and contented inactivity, visiting each other often, and keeping an open and hospitable house for travellers and visitors. The young ladies at Singapore do not meet the demands of the place; but at Malacca the demand is less than the supply, and the matrimonial market is overstocked. Behind the Dutch quarter, in humbler residences and with poorer means, live the Portuguese, who muster here in considerable numbers and have a decent Cathedral of their own, on which they look with no little pride. Malacca is the head quarters of the Portuguese priesthood in the Straits. Perhaps we should explain here, that when we speak of Dutch and Portuguese, we refer to the descendants of those who settled at Malacca under the Portuguese and Dutch rules.

The population of the whole province is about 80,000 : that of

the town being a third of the above number. Of the town population not many are Malays they are chiefly to be found in the country; but there are about 12,000 Chinese, 5,000 Klings 3,000 Christians (Dutch and Portuguese,) 1,000 Bengalis (chiefly convicts and their descendants,) and about 1,000 of the various races of the Archipelago and Arabs.

The Dutch and European residents enjoy the ministration of an uncovenanted assistant chaplain who is also the Secretary of the Free School of the Station, where about 300 pupils, chiefly Chinese lads receive instruction in the same miserable amount of reading, writing, and ciphering as is bestowed in the Government Schools of Pinang and Singapore. The Portuguese have a well attended school of their own, in which *reading* at least is taught more intelligently than in any of the three Government Schools in the Straits. There is a Romanist Mission to the wild tribes in the interior of the Peninsula, which is stated to have been a success. But there are no efforts made by Missionaries in the town. When Dr. Morrison of the London Missionary Society first came out to the East, he chose Malacca for his station, built and succeeded in endowing an Anglo-Chinese College, and got out a heavy wooden press. But after a time the Missionaries were removed to China, the College was sold and broken up, and the wooden press is all the memorial left of the Mission.

We have incidentally noticed St. Paul's Hill in a previous page. It received its name from the Portuguese, and is about 150 feet high, covered with a close, green grass called at Malacca St. Paul's grass. It is crowned with a gray, massive building in ruins, which was once a convent. Just below it, in front, are the residences of the Dutch and the few officials. On its South is the small Hospital, and the ruins of a massive gate, the only remnant of the strong fort with which the Dutch surrounded the hill, and which was blown up to the very foundations by the British. On a slope to the East is the Cemetery, which contains but few graves, and further off the Convict Lines and Military Barracks. On the North-East slope is a beautiful little Government garden in which stands the solitary, but great nutmeg tree of Malacca. On the North is the Free School, the old Dutch Church, a small, ugly building now used for the services of the English Communion, and the thoroughly Dutch Stadt Haus looking neat, and substantial. This last accommodates all the Government offices, and still has much space to spare. The old state furniture of the Dutch still remains, and may be examined by the curious. The Strand

in front of the residences of the Dutch is lovely and picturesque beyond description, especially on a clear moonlight night. Near the suburbs, towards the South-East, on a chain of hills from 200 to 300 feet high which separates the paddy fields from the town, lies the Chinese Cemetery, a vast city of the dead. One may walk for a mile and more on these treeless hills, whitened with sepulchres, all silent and still as death. There are large Chinese Cemeteries both in Pinang and Singapore, but they are not so extensive, as this of Malacca. The graves are always kept clean and in good repair, and, once a year, offerings to the dead are made at them.

We must now close this account of Malacca with a few lines about the trade of the place. Some tin, a little gold dust, a little gutta percha, rattans, fruits, and poultry, are exported to Singapore; and opium, specie and piecegoods are brought back in return. From the surrounding petty states and from Sumatra quantities of pepper, camphor, tin, and gold-dust, are imported to be sent on to Singapore; and the return is made generally in rice grown in the province and piecegoods and opium brought from Singapore. The harbour is quite free from native craft, the few belonging to the town keeping inside the river, and the few schooners or brigs usually lie far off in the distance. The trade of Malacca has been ruined by Singapore and Pinang, and amounts now to a little over a million sterling.

About four hundred miles to the North of Malacca, at the head of the Straits, and separated from the mainland by a channel 2 miles broad, which forms the harbour, is the Island of Pinang. As seen from a distance out in the Straits, here nearly 200 miles wide, it appears very rugged and mountainous. The highest peak, not far West of the town, is about 2,700 feet high, Government Hill adjoining it is about 2,500 feet, and the other hills from 1,000 to 2,000 feet high. They run in chains in every part of the Island save the East. It is at the northern extremity of this eastern plain that George Town or Pinang as it is called by Europeans, or Tanjong (*Cape*) by the Malays, is situated.

The Island is fourteen miles long by eight broad; it was obtained from the neighbouring Malay Sultan of Quenda through the influence of a Captain Light, who is said to have married his daughter, and who was appointed the first Governor in 1786, for a yearly payment of 6,000 dollars. The Island then was wild and uncultivated, with only some 20 or 30 inhabitants. It was not till long after, that, for the protection of the harbour, the opposite coast some 30 miles long by 15 broad, was taken from the same Prince for another annual payment of 4,000 dollars.

The harbour may be entered from both the North and South, the channel towards the South being marked off with floating buoys and lights. The entrance by this Southern Channel shows picturesque views only on the Island side, where wild and precipitous hills rise from the edge of the sea; but it is tiresome when in a sailing vessel with a contrary wind, as the whole length of the Island must be passed before the harbour is reached, and for a considerable distance the masts of the vessels in port are dimly seen, tantalizing the expectant traveller. Of course in a steam vessel the distance is quickly passed. But the entrance by the Northern Channel, which being wider allows a free berth for tacks in contrary winds, is most pretty. It is bounded by views of lofty chains of mountains on the Peninsula on the left, and the Great Hill on the right. Further on the plain becomes visible, and the shore is seen dotted with substantial, white houses surrounded with gardens; and scarcely are these past when the point on which the small, low fort is situated is turned, and the vessel is in the crowded harbour and at anchor. Thirty or forty square rigged vessels are seen lying at sufficient distances from each other, and further to the South some hundreds of junks and prahus line the shore. Neither the harbour nor the town wears the noisy and crowded aspect of Singapore. Along the shore, running far off to the South, warehouses and Chinese buildings crowd each other. A stone jetty runs out into the harbour, and this is the usual landing place. On landing, towards the right is the fort and the esplanade, and towards the left ugly, puny buildings painted a hideous yellow. Pinang has no public strand, and so the usual place of concourse in the evening is the esplanade or the Eastern face of the fort.

If the traveller drive on due West, he soon leaves the town, and passes between rows of country houses surrounded by the gardens that were visible from the Northern entrance to the harbour, and after some four miles, when the country houses cease and give place to cultivation, he arrives at the base of the 'Highlands.' Here, after passing through a wild nutmeg plantation, he comes upon the water fall, one of the lions of the Island. It is a very small one and little worth the trouble of seeing. It is from here that the town is supplied with pure water through pipes. Or if he intends to go up the Government Hill, he leaves his carriage near the entrance of the nutmeg plantation, passes through a defile, mounts a strong pony and begins to ascend. After some two or three hours invigorating exercise along a road whence very pretty views are sometimes obtainable, and whose sides are often densely wooded and peopled by tribes

of chattering monkeys, we gain the summit. Here, at a height of 2,500 feet above the level of the sea, there is a Government House, a signal station, to give notice of vessels making for the harbour, a beautiful Government garden, and numerous pretty bungalows scattered at intervals. On a clear day the sea is visible to a distance of 50 miles to the West, the little town is seen lying just at the foot of the Hill, the channel separating the Island from the mainland shrinks into a small stream, and on the opposite coast the bold mountains of Quenda tower up in gigantic masses, forming a back ground to Province Wellesley with its plantations; while towards the South there is an endless succession of wooded or cultivated hill and dale. The climate up here is cold enough to require the use of a pair of blankets at night, and is most pleasant throughout the day.

But if from the jetty the traveller strikes due South, he passes along what was once the beach, and is now a street lined for two miles with compact masses of houses and crowded with all the traffic of Pinang.

The inhabitants may be divided as at Singapore into Chinese, Klings, Europeans, Portuguese, and Malays. There are, besides, a few Burmese living on the road to the waterfall. The Klings and Chinese are pretty well provided with wives, but the Chinese, whether married or unmarried, whether in or out of China, are always steeped in gross vice. There are numerous Joss houses and Chinese guild-halls all over the town. The English Church is an ugly, yellow building, situated but a short distance from the jetty. The Romanist and Scotch Churches adjoin. There is another Roman Catholic Church for the Portuguese and for Chinese converts. Not far from this last stands the third of the lions of Pinang, the other two being the waterfall and Government Hill. We refer to the Pinang Roman Catholic College, a range of buildings crowded with Burmese, Siamese, and Chinese youths who are being here prepared to carry the creed of Rome throughout the length and breadth of South Eastern Asia; it can boast of a decent Museum. This last is well worth a visit. The arrangements made in this College for physical self-denial as well as recreation are admirable.

There is also a Mission to the Chinese carried on by the Revd. Mr. Chapman, a gentleman unconnected with any Society, but depending upon the support of the Christian public of the Island. Much good has been done by it; for besides some converts it has two schools for boys and girls, generally orphans, there are weekly lectures in the town, besides Sunday services, and medicine is freely given away to the poor. Besides the

nunnery, and a Roman Catholic School, there is the Government Free School, with about 300 pupils, Chinese, Klings, Burmese, and Christian. The same smattering of English is bestowed here as at Malacca and Singapore. Vast sums of money have been spent by the Government on these Institutions only to teach Chinese how to spell through English! Government should either at once withdraw its aid, amounting to upwards of 7,000 Rs. a year, or enforce a higher and better standard of education. The money as spent at present is simply wasted. That Chinese youths are capable of learning we have not the least doubt. In China they pass the most strict and severe examinations in a language confessedly difficult even to themselves. The excuse generally made is that the medium of instruction being the Malay, there is necessarily much difficulty in teaching young lads English. We confess we do not see the force of this; it is never made in India, where Bengali and Tamil are confessedly more difficult languages than the Malay, which is simple, rich in varied imagery, and as expressive as the English. With two English Masters to each School, with competent assistant teachers doing away with the present worse than useless monitorial system by which ignorance propagates ignorance, the Schools would in a few years be what they should have been long ago—the means of diffusing the light and truth of Western civilization among the Chinese and Malays. A more efficient staff is needed, the salaries of the different teachers should be better graduated, and an able Inspector of schools should be appointed to maintain a strict supervision.

Province Wellesley on the opposite shore contrasts strongly with the forests and jungles of Malacca, being covered by cocoanut and sugarcane, or by paddy plantations. An attempt is just being made by a planter from the Southern States of America to raise cotton here, but with what prospect of success is not yet known. European planters reside on each estate and direct the cultivation. The labourers are Chinese, Klings, and Javanese; the first are always the best. The soil, like that of Malacca, is rich and mixed largely with granitic and other allied plutonic rocks. Alluvial beds, too, of extreme fertility lie at the foot of the granitic masses. Roads, rivers, and canals run throughout the Province in every direction. At the distance of every few miles a Chinese village or Malay hamlet is met with. There are a Magistrate's Court, a Court of Requests, an Hospital, and Convict sheds. The frontiers of the Province, as in Pegu, are often disturbed by gangs of Malay marauders from the neighbouring territories. It has been found extremely difficult to restrain these depredations; and the

only course that lies open is to hold the petty Malay rulers, from whose quarters these raids are made, responsible for them. We believe they would then immediately cease; for unlike the Eastern borders of Bengal or the hills of Beloochistan, the country round the Province is under acknowledged and recognised Princes.

One point of interest, both to the antiquarian and the ethnologist, in Province Wellesley, is, that remains of Hindoo temples and mounds of shell-fish have been discovered on it by the late Colonel Low and by the present Magistrate of the Province, Mr. George Windsor Earl. These discoveries confirm the conclusion arrived at from other sources of the ancient wide-spread area of Hindooism, and lead to the inference, that the Aborigines of the Peninsula, the Yakoons, are of the same family with the Dyaks of Borneo, the Batlas of Sumatra, the Andamanese, the Karens, the Sontals, Coles, Gonds and the rest of the aboriginal tribes of India, South Eastern Asia, and the Indian Archipelago. The shell mounds have been discovered not only in Province Wellesley, but only lately in the Andamans, and far off in the Valley of the Nerbudda; and the Dyaks at the present day practise eating shell-fish to such a degree and in such a curious mode, that we can easily conceive how these mounds came to exist.

As for the trade of Pinang, after having risen to something considerable in the earlier part of this century, it began to decline with the increase of Singapore. Of late years, however, it has shown a tendency to rise again, and while in the year before last it amounted to £3,000,000, last year it was very nearly £4,000,000. We have no doubt that Pinang will steadily grow in commercial prosperity with the increase of cultivation on the Island and the Province, with the more settled condition of the neighbouring Malay States, and with the increase of the trade with Sumatra; on all which sources of wealth more attention should be bestowed than is at present done. Tin, ivory, gutta percha, rattans and pepper, are imported in exchange for paddy, piecegoods and muskets, for export to European markets; and sugar, spices and rum are largely produced and manufactured in the country itself for exportation.

Before closing this article we shall briefly consider two important points connected with the Straits. First the sources of revenue to the Government. These are the opium and spirit farms, and the sale of lands. There is no Land tax, no Customs duties. The receipts from the sale of lands will some day, perhaps not very far off, cease. As for the opium and spirit farming, on which the Straits income chiefly depends, we need

hardly say that it is immoral and demoralizing. When the receipts from the sale of lands cease, the colony, for then it will have become one, must either impose customs duties, which it would be unwise to do for many years to come, or devise some other expedient. We believe that of all the East, the Straits is the fittest place for the imposition of a *poll-tax*. One of a dollar a head for all male adults and half a dollar for male infants, would bring in an annual revenue of about 120,000 dollars. The population of the Straits with the exception of a few hundred paupers, is composed of men who are able to pay a dollar or two a year without feeling it. This expedient will probably have to be resorted to at no distant date. As for the revenue derived from opium it can be increased twofold without injuring it and with much good to the reckless consumers. The propositions that have sometimes been made to establish gambling farms, and give out licenses to fallen females, we cannot but regard with abhorrence in the case of the former and with distrust in the case of the latter. Gambling is a national Chinese vice, and it cannot be eradicated all at once. Heavy penalties, inexorably exacted, with a good detective and incorruptible police, would soon root it out. As for the other, it has not succeeded in Hongkong (partly it may be because unlicensed females are also allowed to exist,) and on the Continent of Europe, in France and Italy, it does not form any source of profit to the State,—it only serves to prevent the propagation of disease and misery. Were it, however, only to work these ends, it would be of use; but there would be no profit, as the number of these females throughout the Straits does not exceed 1200, it would be as much an act of charity to the public as the establishment of a Lock Hospital, and more appreciable, as ‘prevention is better than cure’ But we fear, that no supervision, such as exists on the Continent by surgeons, could ever be exercised in the Straits.

The second point to which we would wish to draw attention is the purpose which Sir Stamford Raffles had in view in founding Singapore—*it was to act as a centre of civilization to the populations of the Archipelago*. But has it been such? This great end of the existence of the Straits Settlement has been lost sight of. Very little save commercial influence, and the example of law and order accompanied by prosperity, have been the results of its existence to the natives of the Archipelago and the Peninsula. There is yet the same dense ignorance and the same misrule prevailing among the natives as there ever was. Two things seem absolutely necessary to enable the Straits Settlements, and especially Singapore, to carry out the spirit of Sir

Stamford Raffles's views. First, British influence should be made to be *felt* throughout the Peninsula and the North of Borneo; and secondly, the standard of education should be raised far above its present level. As for the first, when the Settlement has become a colony it will be compelled to take up a decided position; but as for the second, we fear, that in the midst of increasing commercial excitement, it will be entirely lost sight of and forgotten, but it is for this very reason, that we have so earnestly drawn attention to the subject throughout this article.

ART. III.—1. *Report on Popular Education in the Punjab: for the year 1860-61.* By Captain A. K. Fuller, Director of Public Instruction.

2. *The Friend of India:* Vol. XXVII, Issues of 7th February and 29th August, 1861.

3. *Popular Education in England:* Edinburgh Review, No. CCXXXI, July 1861.

THE cause of Native education is the cause of civilization and progress. Whatever theorists may say, it is practically true that national ignorance is the forerunner of national disaster, of national vices, and ultimately of national ruin. This truth has been asserted so often, and asserted with so much confidence, that there has arisen hesitation as to its justness. It has been regarded by its expounders as so palpable a truth, and has so often been demonstrated to be so, that they may be pardoned who have occasionally repeated its principles without caring to defend the premises on which they stand. Scarcely a single journalist would dare to resist what is believed to be the general conviction on this head. Yet what is the popular opinion? Perhaps not one in ten of the hundreds of European gentlemen in some way or other employed in India gives his voice in favor of the enlargement of the scheme of national education for this country. Those indeed whose votes are worth having are all but unanimous in supporting the cause of education: yet the numerical bias is undoubtedly against it. This is but another instance of the marvellous and inherent power of Truth, and of the respect it commands as well from foes as from friends. What men do not believe they are willing to run down. But when men find themselves disbelieving what they have the sense to perceive wins the approval of the more intelligent members of society, their incredulity seldom manifests itself in criticism, and the cause of truth is secure even against their mutterings.

It is scarcely necessary to repeat now, that the natives must be educated. To those who are sceptical on this point experience has indeed spoken in vain. To them in vain History has opened her sable page, and pointed with trembling finger to the leaves that tell of the tears, the agonies, the despair, the prostitution of national energies springing from ignorance,—if History has failed to teach this it cannot be that we shall succeed.

Perhaps to no class in India are entrusted duties so onerous, and so difficult as to our Missionaries of whatever persuasion. Theirs is the task to revive a dying civilization, to set together the pieces of a mind all but broken asunder by centuries of ill-usage. It is no unworthy element of their high aims that with them the cause of Education is identical with the cause of Christ's religion. The intelligence that springs from knowledge will, it may be hoped, be eventually an important channel for the introduction of religious truth. This intelligence is requisite, not only for the apprehension of the lofty morality of the Gospel, but also for the repudiation in the first instance, of the detestable impurities of Paganism. Before men will consent to believe a new truth, they must be dispossessed of what they already believe in opposition to it. Before they accept your premises you must convince them of the falseness of theirs. Ignorance is ever the ally of presumptuous confidence. And until its clouds are dispersed, the rays of truth will strike but feebly and fitfully.

The immediate effects of many great improvements and reforms have often the appearance of vices. The curse of evil is so comprehensive in its subtle bitterness, that it seems, as if no good may result without some attendant calamity. It is so with Education. Like other reformatorys, the reformation of the intellect must be gradual and progressive. Again, as happens to other reformatorys many are found who take it up as a false cry, many who regard it as a mere sentiment, many who repress it because of their conservative tendencies, and many upon ultra-radical principles clothe its progress with a temporary madness, deforming its natural beauty. It is not likely that Native Education in India will suffer from haste, for this requires resources, and resources come in tardily. But it is equally true that the natural progress of the native mind, in awaking from its sleep of ages to some consciousness of better aims and higher duties, has, not from haste to develope it, but because it was natural that it should be so, produced, in one province of India, results that are in a certain sense unjustly deplored. We are told, that in Bengal, Education has taken a capricious direction, and reduced the people, that have first come in contact with it, into little better than impious deists and worthless profligates. It may be so. It may be that the consciousness of unusual liberty, with an unusual absence of restraint, has brought with it an era of reckless extravagance and profusion in the use of the thinking powers. Yet we see no cause for discouragement in this. For to us the conclusion of the drama, of such momentous human

interest, is not and will not be visible. There must inevitably be a long period of convalescence before the moral health of the people is re-instated. The longer the native mind has been in a state of thralldom, the worse will be its conduct when its freedom is once assured. But we must not lose sight of the reaction that must sooner or later come. It is surely an advance not be despised that the awaking mind looks back with some scorn on her past bondage, that the follies and the superstitions of the past are crumbling out of the memory.

Whatever, the progress of education may have been elsewhere, in the Punjab it is in its very infancy. Before we go any further, it will be satisfactory to our readers to lay before them a brief account of the manner in which the department of Public Instruction is administered in the Punjab.

The immediate head is, as in the other provinces, a director of Public Instruction, who, until the late centralization of accounts in his office, had little enough on his hands. The work of inspection and examination of schools, and the apportioning of patronage in the appointment of schoolmasters, rests chiefly with the Inspectors, three in number. The Director enjoys a substantive salary of 1200 rupees per mensem; the Inspectors draw between them 1800 rupees. This, it will be seen, is immensely below the average expenditure in Bengal or elsewhere. But the present state of education in the provinces does not permit of increased expenditure on this score. The Divisions appertaining to each Inspectorship are styled respectively the Amballah circle, the Lahore circle and the Rawul Pindee circle. The Amballah circle comprehends the country lying between Delhi and North West towards Ferozepore. The central portion of the Punjab is comprehended in the second or Lahore circle. The Rawul Pindee circle stretches away towards the frontier. There was not, until the last few months, any native supervising agency. The work of inspection and examination of schools, of all grades and of all descriptions whatsoever, rests almost entirely with Inspectors and with District officers whose connection with the Department will be explained further on. The Inspector is completely severed from office work and the burden of accounts, and is thus quite free to devote his energies to his more legitimate duties. The general direction of schemes of Instruction and control of the Department, together with the entire management of accounts, appertains to the Director.

Schools are of three kinds. Zillah or Country Schools, Tehseeli or City Schools, and Village Schools. The control of the Zillah Schools is in the hands of Inspectors. The control over the rest,

comprehended under the general name of Vernacular Schools, is entirely in the hands of district officers, who are expected themselves, as well as are their assistants, European and Native, to inspect and examine the schools, the appointment of teachers resting with Deputy Commissioners. The Inspector's connection with the Vernacular Schools consists in an annual visitation of as many as he can reach, and in the submission of periodical reports on their condition, and suggestions for their better management.

The study of the English language is compulsory in every Zillah School. As yet of course this study is in its infancy. But, as a principle, the chief stress is laid upon proficiency in it. Miscellaneous knowledge is conveyed through the medium of Urdu and Hindi. These Schools are thus known as Anglo-Vernacular. The study of English has lately been conceded to Tehseeli Schools but conditionally; Government contributing a grant-in-aid equivalent to the amount raised by public subscriptions, assignable to this special purpose. The expenditure on account of Zillah Schools is drawn from the Imperial Revenues. The expenditure on account of Vernacular Schools is derived from a Fund created by the levy of a cess of one per cent on the net land revenue of the province. In addition to the expenditure on account of Zillah Schools with which the Imperial Revenues are burdened, these have to sustain the expenditure incurred on account of Normal Schools. These are institutions for training teachers destined to preside over the Vernacular Schools of the country.

Lastly, in the matter of grant-in-aid schools the principle is to withdraw a Government School where a non-Government School is being prosperously conducted; and for Government to contribute an amount equal to that assigned from the Mission Funds for educational purposes. The principle adopted by the local Government in relation to these schools is eminently liberal, and might with advantage be copied by the Government of the North West Provinces. The education officers simply inspect and examine the schools, reporting on them specially once a year. No further interference is permitted. The scheme of studies rests with the managers of such schools, who are simply required to keep the school in a state of efficiency, in return for the aid rendered by Government.

The above will, we trust, convey to the reader some notion of the principles on which public instruction is carried on in the Punjab. For further information we must refer to the report for the year 1860-61. It is a bulky volume containing a mass of valuable information and statistics. Valuable, however, as the

information is, it is too ill put together to arrest the attention of the ordinary reader. The style is scarcely above that of a juvenile prize-essay, and often detracts from the merit of matter that is really sound and substantial.

The total number of pupils under instruction during the past year was 37,280. The population being rated at 14,794,611, it is at once evident, as Mr. Secretary Davies says, how inadequate are the means of instruction, and of the people how few make a use of them. In England and Wales in 1859 the number of children under instruction was, according to official reports, as high as 2,535,462. The number in some of the leading continental countries, compared with the numbers in England and in the Punjab, may be thus stated: the number of persons receiving instruction in Prussia (where it is compulsory) is 1 in 6·27; in England and Wales 1 in 7·7; in Holland 1 in 8·11; in France 1 in 9; and in the Punjab, about 1 in 396!* Quoting 'from Mr. Davies' letter—'of the pupils 3,912 attend superior schools both Government and Private, and as a rule acquire a knowledge of English; and 33,368 attend inferior schools, in which the vernacular is the medium of tuition.' By 'Private' are of course meant supported or grant-in-aid (mostly Mission) schools. The total expenditure for the year was Rs. 418,510, of which Rs. 229,101 were derived from the one per cent cess paid by the agriculturists, and 'only Rs. 148,510, from the general revenues of Government.' It is useless perhaps at a time of financial pressure like the present to point out the discreditable smallness of the sum expended on education by Government. Yet even as a financial measure it were surely worth while taking some effective measures to reach those classes of the population who, when enlightened, always add to the strength of the state, but who, when uncivilized and uneducated, are invariably the dangerous classes. Further on we read:

'The Superior Schools have increased during the year from 6 to 20. There are 2,066 names, on the rolls. The preponderance of Hindoo students is remarkable, there being 1572 of that denomination to 377 Mahomedans, and 117 others; in all 2,066. The charge for these schools amounts to Rs. 55,305; Rs. 3930 are paid in fees. The Delhi School is the only one containing more than 300 pupils. There is no other school containing more than 200'.

* If we accept the number of scholars attending private schools as being equal to the number attending in Government institutions, the total average would be still enormous, about 1 in 200!

'The Inferior Zillah Schools contain 248 scholars, of whom 169 are Hindoos, and 71 learn English. The charges amount to 2,610 rupees, of which 90 rupees are contributed by fees. It is satisfactory to observe that the average attendance at the Zillah Schools has during the last five years increased from 1,443 to 2,018; and that the character of the education afforded has improved in a much greater proportion.'

The Tehseeli Schools, from the conversion of some into Zillah Schools, fell from 140 to 123. The scholars have decreased from 10,353 in the preceeding year to 6,437, and the daily attendance from 7,636 to 4,564. Here again the Hindoos preponderate, the proportion being as follows: Hindoos, 4,282, Mahomedans 1,741, other races 413. Of the pupils 2,934 were studying Persian, 5127 Urdu, 1229 Nagri, and 161 other dialects.

Village schools 'have been reduced in number from 1,701 to 1,686, the scholars from 37,000 to 32,165, and the daily attendance from upwards of 30,000 to 26,867.' There were studying, Hindoos 15,876, Mahomedans 13,390, others 2,899. The numbers studying each vernacular dialect were, Persian 14,237, Urdu 27,442, and Hindi 4,518.

The cost of educating each pupil during the year has been, in the superior Zillah schools, 31-5-0; in the inferior Zillah schools 10-5-9; in the Tehseeli schools 6-7-10; and in the Village schools 4,10-3. The average cost for each scholar in England was during 1859, 30s.; in Ireland it is stated to be only 19s. Considering the circumstances under which the Department of Public Instruction in India is placed, the charge for education in the Punjab seems moderate enough.

Of Female schools 'there are 38 under Government supervision, supported like other vernacular schools from the one per cent fund.' Of the whole number 29 were organized in the Jullundhur district, under the personal direction of Captain Elphinstone, the Deputy Commissioner. There were altogether 812 scholars at the close of the year, and the average number attending daily throughout the year was 671. In another portion of his report Captain Fuller says 'Mr. Spencer (one of the Inspectors) suggests the expediency of providing industrial occupation for the pupils in Female schools. This might be found practicable and useful in the case of the poorer classes.' The proposal is, at all events, worth consideration, there is an excellent orphanage at Loodianah under the charge of the American Mission, for the support of Native Christian Girls, in which the principle of industrial occupation is advantageously carried out. The girls are not over educated. And those of the

higher classes are at all times able, on occasion, to gain a respectable living by means of the trades taught them by their teachers.

Of the Normal schools there are 8 altogether, a very fair number; but we shall have more to say about them presently. It will be remembered that these have been established with a special view to training teachers for Tehseeli and Village schools. The number of students on the rolls were during the year from 325 to 451, but the average attendance was only 352.

The cost of supporting each pupil during the year was 85 rupees. The period passed at the Normal school is only six months, but it seems impossible to extend it in view of the immense number of teachers to be educated, still every effort should be made to lengthen their stay as much as possible. Somewhat analogous to this is the pupil teachers system as organized in England. It appears to be the most popular portion of the Government scheme of education, the reasons for which are very clearly pointed out by the Edinburgh Reviewer. 'The exact amount of public money' he writes 'spent on the education and maintenance of these young persons may be taken at more than 150£ a head.' The result does not correspond satisfactorily with this heavy outlay. The over-education of the pupil teacher lands him after a time in a situation where his position becomes intolerable to him, his duty is neglected, and the circumstance of his own high training forbids the exercise of a commensurate interest in the elementary branches of instruction. The elementary branches of instruction indeed, as Reading, Writing, and Arithmetic, are found to be precisely those studies in which most proficiency is needed, but in which least proficiency is attained. It would be wise to bear this in mind ourselves in arranging any scheme of education. Yet we apprehend that the extension of the system (it has scarcely made a beginning in the Punjab) in India would be fraught with the very best results. In England the market is too overcrowded with educated men for a scheme on such a scale to answer. In India it is the want. And any plan, that ministers to it, ministers to the progress, the vigor, the rise of the nation.

The Grant-in-aid System is no longer on its trial. For experience has over and over again proved the beneficial effects of its action. The amount expended on this score has been increased from Rs. 1,350 to Rs. 22,287. The greatest satisfaction has resulted from this increase, and from the principle of meddling as little as possible with the interest, economy, and discipline of the institutions receiving the grant. There are twenty grant-in-aid

schools altogether. These include the Henry Lawrence Memorial Asylum at Murree, and, we believe, nearly all the schools established in the Punjab under the superintendence of Missionaries.

The total number of schools and scholars at the close of the year we may reduce into a table as below :—

	GOVERNMENT SCHOOLS.						Private Schools.
	Zillah	Tehsili.	Village.	Female.	Schools.	Total.	
Schools	23	123	1686	38	8	1878	20
Scholars	2320	6437	32,165	812	451	42,194	2287

Compare with this the following number of schools and scholars in England and Wales in the year 1858 :—

	WEEK DAY			SUNDAY	EVENING.
	Public	Private	Total.		
Schools	24,563	34,412	58,975	26,872	2,036
Scholars	1,675,158	880,304	2,535,462*	2,411,554	80,968

It should be remembered, with regard to the first table, that indigenous schools, or schools established by natives in various parts of the country, have not been included. They are not however very numerous.

The most remarkable feature perhaps of education in India, is the utter and unmistakeable apathy with which the aristocracy of the country view the subject; and the amount contributed by private individuals, while it is discreditable to the public spirit of the country, illustrates but too emphatically the unhappy disunion existing between the rich and the poor. The despotism of past centuries, and the absence of any constitutional restraint on the passions and appetites of the various classes of society, have fixed so great a gulf between the rich and the

* 'Of this number 917,255 were in 1860 on the Books of schools in receipt of grants from Government.' Note by Editor Edinburgh Review.

poor that we seek in vain for any feelings of kindly sympathy among them. The total annual value of endowments did not exceed Rs. 7372. Of these, the most munificent is that presented by the Nawab Faz Alli Khan to the foundation of the Delhi school. The annual value of this endowment is Rs. 6000. Five hundred rupees yearly are also received from the enlightened Seikh, Maharajah Dhuleep Sing. The total annual value of endowments in England in 1859 amounted to £400,000.—Enough however of statistics for the present. We shall now proceed to notice some of the principal educational measures carried out by Government during the past year.

In contemplating the decreased rate of attendance, and the falling off in the number of schools, there should be no cause for discouragement. The causes that have specially operated to produce this, were, ‘(1) the famine, (2) the levy of fees, (3) the strict rules for removing the names of constant absentees from the school registers, and (4) the absence of influential teachers from their schools, while training at the normal institutions.’ Leaving out of account the famine as an accidental occurrence, we have to consider the remaining obstacles to educational progress.

The levy of fees was one of the most important measures of the year. The civil authorities do not, as a rule, appear to approve of it. Very little information indeed is afforded us on this subject in the Report, to enable us to form an accurate opinion. The principle itself is undoubtedly a just one. Nor do we ourselves think its application altogether premature in the present instance. But we cannot as yet be quite certain what the general opinion is both of officials and of the people in reference to it. Of the three Inspectors one is inclined to qualify its application in some localities, and a second disapproves of the plan of taking an entrance donation, on the ground that it partakes too much of the nature of advances, and is not understood by the people. The rate of fees and the amount of entrance donation are both inconsiderable. The former varies from two to eight annas a month, and the latter amounts to one rupee. Both are levied from non-agriculturists, those subscribing to the one per cent cess, being altogether exempt. The total amount collected during the year appears to be as follows :—

Zillah Schools.	Tehsili.	Village.	Total.
Rs. 4020-1-10	1308-6-7	2919-14-4	8248-6-9

The introduction of the Bible into our schools, not as a class book, but to be read voluntarily out of school hours, was not the least of the improvements effected during the year. It is astonishing to find with what reluctance this step has been at last taken. The education despatch of 1854 sanctioned the study of the Scriptures under certain restrictions. Yet it was not till the accession of Sir Robert Montgomery to power that the orders of the Court of Directors were carried out. The restrictions spoken of are these: the Bible must be read out of school hours; the study must be conducted by a Christian teacher; and the desire for it must emanate from the spontaneous will of the pupil himself. Nothing more could be desired, for nothing could be more emphatically just.

We stated in an earlier portion of this paper that purely Vernacular schools are under the direct control of the local Civil authorities. This requires explanation.

The original organization of the department under the auspices of the late lamented Mr. Arnold included a native supervising agency, and placed all schools under the control of the Education Department. Experience quickly proved the defects of an administration on such a plan. The Civil officers having no connection with the schools never troubled themselves about their condition. The notion of education was itself unpopular with the people, and its dissociation from the Civil authorities increased the unpopularity. This evil attracted the notice of Government. In January 1860, Sir Robert Montgomery issued instructions to the effect, that from the 1st of May next, all Vernacular (*i. e.* all Tehseeli and Village) schools should be separated from the Education Department, and made over to the district officers; that, to meet the want of qualified teachers the Normal schools be improved, and the application of their principle extended. All details were to be carried out by Captain Fuller Director of Public Instruction. Accordingly, the district authorities took charge of the schools; and the benefit of the step, though from special causes not very great last year, will become more perceptible as time develops its results. Some improvements were also effected in regard to Normal schools. Unfortunately, one measure of the very last importance was totally lost sight of. The Native supervising agency was abolished but nothing was appointed to take its place. Some twelve months later an attempt was made to correct the evil. But not before progress had been seriously retarded, and a feeling of doubt as to the permanency of the department itself widely diffused.

It was presumed at first that Civil officers, with their assistants, European and native, would step into the shoes of the old native agency without difficulty. Now, as far as the weight of personal influence availed for the collection of scholars, the presumption was by no means unwarranted, and has in fact been amply justified by subsequent results. But what was wanted was a professional agency for the periodical examination of schools. This agency was not supplied. It was rather too much to expect an ignorant native official to conduct an examination in subjects which had never come within the scope of his narrow education. The best of these officials are tolerably good Persian scholars, but more ignorant of such subjects as Mathematics and History than a boy in the lowest form of an English school. While the Civil officers, moving about only during four months of the year, have not leisure to spare from their more legitimate functions. This was fully recognized afterwards at the close of the year, when it was ruled, the Report informs us, that the allowance of the chief educational Mohurrir of each district should be slightly raised, and travelling allowance added, to promote his activity in the inspection and examination of schools. We cannot accept this measure as at all satisfactory. Neither the precedents of the wretched drudges called Mohurrirs, nor the very inconsiderable remuneration offered, can supply what was and is so eagerly called for, an efficient supervising agency composed of men of standing and ability.

One of the most curious features of this Report is the absence of what may be called special knowledge in the initiation of several educational measures. We will illustrate our meaning by a few examples. We are told that an improved system of translating from one language into another has been introduced; that the teachers are about to be told something of what is required of them; and we have a few original remarks in favor of the system of 'cramming.' We read with astonishment of an Inspector recommending the ordinary method of 'construing' followed in our English public schools to be adopted in our native schools. What practice could have obtained previously, it is hard to conceive. We give the extract below in which the Director receives the suggestion and recommends its adoption.

'Mr. Spencer thinks that if native boys were made to construe English, word for word into the Vernacular, in the same way that an English boy is taught to construe Latin into his own tongue, still greater accuracy (in the matter of translation) could be attained, and the habit of translating too freely would be avoided. He states his view in these words: "The system of translating

“ ‘not word for word, but first that word in the English whose
“ ‘equivalent occurs first in the Urdu sentence, then the English
“ ‘word whose equivalent occurs next also in the Urdu version,
“ ‘and so on, necessitates both accuracy and idiomatic expression.
“ ‘For when a sentence cannot be taken to pieces, as it were, then
“ ‘it may be rendered as a whole.” This appears a very sensible
‘proposal, and I shall be glad to see that Mr. Spencer has been
‘able to introduce the plan into the Zillah schools of his circle.’

‘The same Inspector objects to the Persian class-books being
‘published with Urdu translations, as the boys commit the latter
‘to memory, and take no pains to make out the meaning for
‘themselves. To aid them in the latter object Mr. Spencer sug-
‘gests that vocabularies should be added to the Persian books,
‘giving the Urdu equivalents of all difficult words. I agree in the
‘necessity for a Persian-Urdu vocabulary or small dictionary being
‘compiled for the use of our schools. I will endeavour to bring one
‘out as early as possible. I do not believe that the translation
‘does any harm, or that the boys commit it to memory, and I am
‘sure that it is of much use in enabling a pupil to study by himself.’

This is rare logic. It is admitted that a boy has no vocabulary or dictionary to aid him in the task of translating by the force of his own intelligence; it is admitted that he has a ‘crib’: ergo, that his task of translating is not a task of committing to memory! These translations are of excellent service in the hands of a grown-up person desirous of simply acquiring knowledge, and sensible of the exact amount of help they should bring him. But in the hands of a boy, they are merely a premium on carelessness and superficial knowledge.

With regard to the last and the most important point to which we would invite attention, we read in the Report that manuals have been prepared, to be put into the hands of teachers, pointing out the chief subjects that require their attention. These manuals should have been ready months ago. It is admitted on all sides, that the greatest obstacle to educational progress is the professional and scholastic ignorance of the very best of our native Teachers. We apprehend that if this sensible measure had been adopted earlier, we should have made some progress at least in the professional training of our employés. In relation to this we are told, and we readily believe it, that wherever the trained teachers arrive, a marked improvement takes place in the condition of the school. But we should be glad to have some further information on this head, especially with a view to the question, whether the teachers are trained professionally as such, or simply have their ‘scholastic attainments’ brushed up.

We observe with pleasure that Captain Fuller has insisted so judiciously on the necessity of having written examinations of schools. Judging from the general tenor of the report, we should be inclined to suspect that bad reading, bad writing, and ignorance of the elements of History, Arithmetic, and Geography, are the principal deficiencies. These defects shew themselves of course more largely in the lowest grade of schools. But these, it must be remembered, are not the least important schools, and it is unsatisfactory to find that even the teachers in them are almost as bad as their pupils.

It is startling to find how the very same results have shown themselves in schools in England, but from causes exactly the reverse of those that have operated in this country. In India ignorance in the elementary branches of knowledge is due almost entirely to the incompetency of the mass of teachers in our Vernacular schools. In England, ignorance in the same subjects has been due lately to the over-education of the pupil teachers who, when they enter upon the position of teachers, 'naturally think more of what education has made them, than of what it first found them. They easily lose sight of the fact that they have risen from a very humble social position, and they crave for that status which education seems generally to secure. 'I think, too,' the writer proceeds, 'that in some cases they are too apt to forget that they owe the culture they possess to the public provision made for them, &c.' Again, in another place, 'the junior classes of schools, comprehending the majority of children, do not learn, or learn imperfectly, the most necessary part of what they come to learn—reading, writing, and arithmetic.' These are the words used by the Commissioners appointed to enquire into the state of popular education. Further on, the Edinburgh Reviewer writes:—'But is this class of highly accomplished school-masters, fresh from training colleges, which certainly surpass in many respects our highest public schools, exactly the class of men best adapted to the instruction of children under ten years of age, in the first steps of human knowledge? The Commissioners reply in the negative. They are perfect in all respects *except that of teaching the junior classes*, including 75 per cent of the scholars, those rudiments which are most needed. So that the whole system of the Committee of Council on Education, lands us in this absurd result—that we have created at a vast expense a body of men and women so superior to their station in life and to their humble work, that they cannot subsist without a vote in aid of their incomes from Parliament and the Privy Council, and that they do not perform

'with effect the drudgery of teaching very young children to spell and to cipher.'

The writer then goes on to remark on the injudicious practice, with most teachers, of spending all their time and trouble on a few leading boys, to the utter neglect of the majority of scholars. This is an evil too often encouraged by Inspectors and Visitors themselves, who should guard against forming their judgment of a school from the attainments of two or three of the 'best' boys.

'The true value of a school to the country, does not consist in the accomplishments of its head master or the proficiency of a few leading pupils, whose superior abilities make them objects of interest to the master himself, to the managers, and to the Inspector. These are a minority who may, and probably will, rise to a higher station in society; or, as is now very frequently the case, they already belong to a higher station; for many parents in the middle ranks of life, finding how excellent an education can be obtained for next to nothing, now send their children to the popular schools, where of course they take a high place and attract to themselves the advantages designed by the Parliament and the State for their poorer neighbours. But the real test of the value of a popular school is its effect on the ignorance of the country, its relation to the large majority of children in the humblest station, to that immense body of human beings who have no other instruction, no previous knowledge, no further assistance when they enter upon the hard and rude lives they are doomed to lead. Tried by this test, the Commission tell us, that the results of the present system are scanty indeed; the upper surface may be brilliant enough, but the social depths are untouched. We are by no means certain, though it may be a heresy to say so, that less highly trained teachers and less artificial methods of teaching than those now in vogue, were not better adapted to reach those humble classes and contracted minds into which we would throw some glimmering of light and knowledge. The teacher must not be too far removed from his scholars; and there was this of good in the old monitorial system of Joseph Lancaster, *that the drudgery of teaching spelling for example, was not thrown upon those who are too accomplished to perform it.* The modern system of highly trained and highly paid certificated masters has, on the contrary, produced a class of teachers who would be most valuable agents for the education of the middle classes, but who are far less qualified to devote themselves to the humbler duties of instructing the lowest class in society.'

The italics are ours. Perhaps in the present state of education it would be too much to expect any very general extension of the monitorial system. However, the subject has been worthily appreciated by the Lieutenant Governor; and we trust Captain Fuller will continue to give it his best attention.

We cannot refrain from copying below some exquisite specimens of answers embodied in the Report of the Commissioners: 'Mr. Forster tells us:—I met with very few day schools indeed in which it seemed that the words read or repeated from a book, even with apparent ease, conveyed any idea to the mind of the pupil. For instance, a smart little boy read the first verse of the ninth chapter of St. Matthew's Gospel, 'And he entered into a ship, and passed over, and came into his own city.' I asked, 'What did he enter into?' 'Don't know, thank you, Sir,' replied the boy politely. 'Read it again. Now what did he enter into?' 'Don't know, thank you, Sir.' In another school, a girl of about thirteen years of age was directed to 'Say her Geography' to me, and after she had repeated the boundaries of several countries, I asked, 'what is a boundary?' 'It's a year's wages.' My question had suggested to her mind the terms on which the pitmen are *bound* for a year to their employment.

Few subjects are so apt to be slurred over in a school as recitation and penmanship. None are more important. Mr. Howard the Director of Public Instruction for Bombay, published in one of his reports some excellent remarks on this and kindred subjects, which deserve every attention. With reference to correct reading, Mr. Secretary Davies writes that wherever in a school there is a Head master of English birth, he should be requested to read out aloud some portion of the daily lessons, and that the classes be taught to repeat after him. The recommendation is judicious.

The standard sought to be attained in the superior schools being the Entrance Examination of the Calcutta University provokes the following remarks from the Lieutenant Governor.

'You have stated at length the curriculum of study prescribed for these institutions, and that the aim is to qualify the pupils for the Entrance Examination of the Calcutta University. But to make these schools popular from the commencement, the Lieutenant Governor is persuaded that it is necessary to enforce a minute attention to some minor details of utilitarian value. The generality of the pupils have no intention of passing the University Examination, Their immediate object is to qualify themselves for employment in the public service, or for intercourse with the best English society. Now, the Lieutenant Governor is far from desiring to limit the scope of your curriculum to these

'objects. But His Honor considers that it should at least embrace the means of their perfect attainment. I am therefore 'to impress upon you the importance of enabling the students 'to acquire a good English accent. His Honor also, with the 'view of facilitating a colloquial knowledge of English, would 'insist on the exclusive use of that language in all verbal intercourse during school hours. The Lieutenant Governor believes 'that he need not advocate the frequent and regular practice 'of written translation, and of composition in English, without 'which grammatical accuracy and ease of style are not attainable, 'and you are yourself justly sensible of the advantages of periodical 'examinations by written questions, and of the frequent review 'of weekly work which these imply. The Lieutenant Governor 'deems it worthy of your consideration whether the prescribed 'course of study, borrowed as it is from the North West Provinces, 'may not give an artificial prominence to Urdu, which does not 'naturally belong to it in these provinces. His Honor is convinced 'that this is the case as respects the Mooltan, Derajat, and 'Peshawur Divisions, and observing that, except at Delhi, Persian 'is preferred in all the private schools to Urdu, he thinks it may 'be also in other divisions.'

There is in this province, as there is wherever the *name* of the language is tolerably familiar to the people, a decided leaning towards the study of Persian, in preference to Urdu. But this may admit of partial explanation from the fact that all miscellaneous knowledge, as History, Arithmetic, &c., is conveyed through the medium of Urdu, and that to the contracted mind of a semi-barbarian these studies are positively distasteful.

We cannot altogether approve, in other respects, of the scheme of studies for Zillah schools. We think it gives too little prominence to those elementary studies which are the ground-work of all instruction, and that it affords too little time to the preparation of those subjects which are taught in Urdu, and are the most numerous of all. Several of the class books appear to us objectionable, some as not being suited to Native pupils, and others as being calculated to engender a vicious and false style of Persian composition. Any reader who throws his eye over the scheme will readily comprehend our meaning. In conclusion, we think two material points have been quite lost sight of. We have grave doubts as to the propriety of extending the studies over so great a part of each day, nearly six hours. In England, with the advantages of a bracing climate, and teachers capable of attaching some degree of interest to the routine of school study, it has been found that, among the poorer classes, study extending

over more than three or four hours in the day, loses all its value. We conceive that if four hours only were allotted for the purpose of study, the list of class books reduced in the case of Vernacular schools to as simple a programme as might be consistent with actual efficiency, our schools would be more popular, pupils would not be so often removed at critical moments to gather in the harvests or take to the plough, and a positive gain in the matter of attainments would result.

The second point we notice is the entire absence in the 'scheme' of any work calculated to acquaint the pupil with the nature and system of the laws under which he lives. We understand that the Lieutenant Governor has directed the voluntary study of the Punjab Civil Code to be encouraged. But this is not enough. In a Province where law is administered on so simple and easy a plan, there should be no difficulty in an ordinarily advanced pupil mastering all necessary details. The advantage of such knowledge cannot be overrated. It would strike a severe blow on the pernicious system of 'middle men' so common in this country, and which is at the bottom of no small part of the litigation of the country. Not to say that it would prepare the way for the creation of a competent and well informed body of law officers, which must come into being with the progressive growth of society, and the consequent advance of commercial relations calling for a more complex system of legislation. Nor should we forget, that wherever the general community of any nation has been ignorant of the leading principles of its laws, great oppression has resulted, and that the political happiness of any people is mainly to be estimated by the degree of intelligence with which the principles of legislation are known and understood.

No summary of educational progress would be complete without a reference to the school established at Lahore, for the special purpose of affording instruction to the children of the aristocracy of the country. It consists of two departments, an upper and a lower. The former is intended for the sons of the various Sikh Sirdars and other chieftains of the province. The right of entrée to the Governor-General's Durbar is the standard of admission. We think that Captain Fuller was justified in establishing this, and not a money standard of admission. It is argued, we are told, that an invidious distinction has been introduced between high and low which never existed in a Native School; that no such line has been drawn in any Educational Institution of the other Provinces; and that if the distinction was absolutely necessary, the right of admission into the Upper Department

should have been regulated by the money standard. To the first objection it may be said, a young Sirdar seldom or never attended a Native School, but had a tutor at home, who was permitted perhaps to take in a few other pupils of known respectability. His chief attention, however, had to be given to his patron's son, between whom and the rest of the boys a marked difference of social rank was observed, although they may all, have studied together. To the other objections it is sufficient to say, that if popularity and success can be obtained without forfeiting efficiency or disregarding principle by a measure suited to local circumstances, it is needless to look for a precedent for it elsewhere. The money standard of admission, however acceptable in England, would not answer at Lahore. A sub-committee of five native gentlemen regulate the admissions into the privileged department, and their proceedings seem to have been satisfactory. An entrance donation of five rupees is levied, and a monthly tuition fee varying from one to three rupees. Including the collections of both departments the entrance donations amounted in 1859-60 to Rs. 340: the tuition fees averaged Rs. 125 a month. At the close of the annual examination of the school last year the Lieutenant Governor distributed prizes to the most distinguished scholars, in presence of a large assemblage of European and Native gentlemen. This increased the popularity of the school immensely. And there were, at the close of 1860-61 as many as 186 pupils. The value of this institution is not to be overrated. Praiseworthy as our efforts have been in placing education within reach of the poorer classes, we have been ever too unmindful of securing the influence of the native gentry and aristocracy, which, till the rebellion burst over us, we seemed to regard as a thing of no value. With the wise policy of liberal conciliation so judiciously initiated by the present Governor-General, a new era of progress and of Government has dawned in India.

No journal has more consistently or more ably advocated the cause of Popular Education than the *Friend of India*. But we must be permitted to express our dissent from our contemporary's views on one very important point connected with education namely with regard to the Grant-in-aid system. We are convinced that the time has not yet arrived for a complete withdrawal of the State from educational schemes. We regret the attitude assumed by some of the provincial Governments in relation to private schools. We believe that an extensive application of the Grant-in-aid system would be both a wise and a just measure. But we are not disposed to believe, without

further evidence than is actually before us, that the abolition of Government Schools in the most flourishing province of India, would be followed up by a rapid formation of private institutions. Until our statistics prove to us that education has become a 'marketable commodity,' we should not be justified in relaxing our efforts to assist the people out of 'the darkness which may be felt' from which they are but just emerging. In the *Friend* of the 7th February 1861 we read;—

'From a careful examination of Government Reports and an inspection of schools we hesitate not to say that, with the one exception of the Presidency College on which enormous sums are squandered, non-Government education in Madras is superior in character and extent to that offered by the State. In Bengal, although the Grant-in-aid system has been still less encouraged, the results are almost equally gratifying. Of 18 affiliated Colleges, 8 or nearly the half have no connection with Government, and require no aid from it. In the entrance examination in 1861 the percentage of candidates educated in private schools was so high as 35. If we omit the Presidency College, which is supported at a ludicrously disproportionate cost by the tax-payers of India, we shall find that in all respects non-Government education in Bengal is equal to that given by Government. And this in spite of the almost total denial of Grants-in-aid, of the fact that the missionary schools look less to the secular than to the religious element of education, and that all the best natives, in point of intellect and position, are induced to enter the state schools, with the true respect of a Hindoo for the Sirkar, and dislike of an Asiatic to pay a fair price for an article which he thinks he ought to receive for nothing. These are wonderful results. What would they not grow to if the present monopoly were abolished?'

So far as these remarks apply to the presidency towns, or those localities where non-Government schools are as prosperous and numerous as our state schools, our judgment is precisely the same.

It may be unorthodox to say so, but we cannot help concluding, with our contemporary, that the "cumbrous machinery" of a Director and Inspectors produces results altogether disproportionate to the outlay incurred. In the Punjab, *all* the superior schools could be visited and examined periodically by only an energetic Director, call him by what name you will. The vernacular schools, now that they have been made over to civil officers, do not require the expensive agency of highly paid Inspectors to keep them going. No Inspector ever succeeds in

visiting even half the number of schools in his circle, during one year's tour. And those schools that are visited are visited so desultorily, so hurriedly, that it is impossible that the inspection should be thorough. Our plan then is this. Abolish the three Inspectorships now existing, devoting the saving thus effected (upwards of three thousand rupees a month) to a purpose we will presently indicate. In place of the wretched Mohurrir, who is at present occupied in supervising vernacular schools, engage an able native Inspector on not less than 100 rupees a month, for each district. He should be of equal rank with the Tehsildar, and subordinate directly only to the officer in charge of the schools of the district. These could be paid by the savings effected by an abolition of all the Chief-Mohurrirships, and by an extra charge on the collections of the one per cent cess. Above all, the system of making all the civil officers of a district responsible for the well being of schools should be abolished. What is the business of every body is the business of nobody. In most cases the Deputy Commissioner would be only too glad to be rid of what he cannot help considering an extra burden, and to transfer all responsibility to some one of his qualified assistants—an European of course. The appointed Assistant should be held immediately responsible for all short comings. At the same time, not to withdraw entirely the support of the other officers of the district, these should be obliged to inspect and examine every school in existence at the various localities they visit during their cold weather tour.

We have said that the want of qualified teachers is the chief evil which the educationist has to meet. The foundation of every scheme must be trained native teachers. What is wanted is an all but unlimited extension of the pupil-teacher system, and first class training colleges for every grade of teachers. The suggestions we throw out correspond substantially with the admirable scheme sketched out by the *Friend of India* in his issue of the 27 August 1861. We would have for the Punjab one single first class Training College at Lahore. It would be of course immediately under the Director of Public Instruction. A Principal from an English Training College, on not less than 1000 rupees a month and three native assistants on not less than 300 rupees would form an excellent Collegiate staff. Every teacher of a Zillah or of a Tehseeli School should, each in his turn, be sent to the Lahore Training College, for a period of not less than one year. The Normal Schools at present in existence might be reduced to a third of their number; those remaining being intended for the lowest grade of village school teachers.

The savings effected from this source could be made available in the constitution of the new College.

This should be fitted up for the accommodation within its precincts of between 200 and 300 pupils from all parts of the country. No village school teacher should be promoted to the highest grade of his department without a certificate from the Lahore Training College. Such as from advanced age or absolute incapacity are unable to comply with this requisition should have the option allowed them of sending their sons, or other near relations for instruction. It will be readily understood that no amount of scholastic acquirements will suffice without the possession of local influence. And the position of teachers in many villages is almost hereditary.

The entire cost of this machinery for training school masters would not exceed 4000 rupees a month : while to meet this demand, and others connected with it, we have a monthly saving of 3,000 rupees from the abolition of the three Inspectorships, and savings from other sources credited to the Imperial Funds.*

We cannot say that we write altogether without hope. While we are not very sanguine of our proposal being adopted in its integrity, we cannot perceive how any scheme of National Education can answer, which has not for its basis, the principles we have been endeavouring to expound. But Education in almost any shape is a boon to be grateful for, because with the progress of Education will be learnt those lessons of self-government which India has never learnt from her own sages and because, if any thing can, Education assuredly will break the cruel bondage of caste, and with the extension of its sway, the shadows of the past will flee away and an era of enlightenment dawn upon India, redounding alike to the glory of England, and the welfare of our Indian Empire.

* We do not see why a portion of the one per cent cess should not be put to this use, if Government were not prepared to sanction any further Grant however necessary, or however small.

- ART. IV.—1. *The Culture of Cotton in India.* By Dr. Forbes Royle. 1851.
2. *Report on the Cotton districts lying between the Jumna and Ganges, commonly called the Doab.* By Paterson Saunders, Senior. 1861.
3. *A Month in the Cotton Districts near Bombay.* By W. C. Sillar. 1861.
4. *Official Papers.* Published by the Government of India. 1861.

THE question which at the present time absorbs so much attention is not one of to-day; it has for many years past formed matter for anxiety and grave consideration, not alone on the part of Manchester spinners, and Liverpool cotton traders, but of the Government both at Home and in this Country. It has been long felt that the day must come, when, from some unforeseen and unexpected cause, American cotton would cease to flow into the Liverpool markets, even if it should still find its way to continental marts. The supply of cotton to meet the daily increasing demands of England has therefore been felt to be precarious, and some other source whence to derive the required commodity has been sought with no little anxiety. The very constitution of the American republic has been in itself a warning to all who look beyond the day, that disturbances would sooner or later take place, where so many conflicting interests are pitted one against the other. The question of slavery alone has for years formed an element of discord in Congress, not unfrequently imperilling the stability of the Union, and of late the heavy protective duties imposed by the North, so detrimental to Southern interests, has added one more to the already too numerous causes of dissension. All these elements of disruption and the growing animosity of Northern and Southern men, in which has cropped out the Old Cavalier and Puritan antagonism of the Commonwealth, have clearly pointed to eventual disunion; indeed so opposed and conflicting are the interests of the two, the slave and non-slavery states, that it is matter for surprise that the severance, which has at last taken place, has been so long delayed. But apart from the warnings which of late years have been so often repeated in the dissensions and party

animosities inseparable from every debate in Congress, and the not unfrequent attempts of the Government to fix a quarrel upon England as a means of healing internal feuds, we have had one defacto interruption in the supply of cotton from America which, though by many forgotten, is none the less well remembered by those who, having the interests of millions of their fellow-countrymen at heart, have unceasingly sought to guard against the very danger, which now threatens to overwhelm all engaged in the cotton trade and manufacture of England and France. The War between England and America of 1813-14, which necessarily put a stop to all commercial intercourse between the two countries, even when cotton spinning was comparatively in its infancy in England shewed how injuriously any derangement in the Liverpool cotton market acted on the manufacturers. And as the demand for the raw material has year by year steadily increased, until in 1860 the consumption of Manchester alone did not fall short of 720,000,000 lbs, affording employment to upwards of three millions of the manufacturing classes of Great Britain, it has been a subject for deep and anxious reflection how to avoid any future interruption in the regular supply of a staple, on which so many are dependant for the means of obtaining their daily bread.

Save and except America, India is the only country that can in any way supply to England the quantity of cotton required for her extensive manufactories. To India then all eyes are turned. The Government has been called upon to take its part in meeting the foreshadowed crisis, and private enterprise in one form or another has not been backward in endeavouring to meet the emergency. The Government of India, when a call was first made upon it to take the initiative in furthering the views of Manchester, laid down clear and distinct rules by which alone it would be guided, it defined the course of action to be taken by all its servants, and the amount of pressure to be brought to bear in furtherance of the desired end. The rules thus laid down were just and equitable. It was decided that the Government, beyond making known through its officers the demand for cotton arising in England, should take no direct measures in promoting its cultivation by undertaking any operations not directly within its functions, or which might in any way bring it into competition with private enterprise. But at the same time while deprecating on the part of Government officials a resort to any undue influence which might compromise the Government, or induce the cultivator to look to it as a purchaser for his crop, it authorised all its officers fully to explain to the people the desirableness of paying

greater attention to the cotton crops both in their cultivation and after processes. While restricting itself to measures of this nature, in regard to the promotion of cotton cultivation, the Government was not slow to admit its responsibilities in other respects, or to take measures for speedily supplying a necessity without which no greatly extended production of cotton could be of any avail to England. The great drawback to India's competing successfully with America in the cotton trade has been the absence of easy means of transport. She has few natural highways and still fewer artificial ones. Roads were and are the great desideratum, and to the formation of these the Government set itself resolutely to work. Imperial grants to local funds were apportioned with no niggard hand, according to the known capabilities of each province or district to provide the requisite staples; and throughout Nagpore and the Berar the two largest and most important cotton-fields of India, energetic measures were adopted to supply the deficiency in this respect. In addition to this the Government further proclaimed that prizes would be given on a liberal scale to those cultivators who should produce the most abundant crop of the cleanest and best staple from a field of not less than thirty acres. Commissioners selected by the Chambers of Commerce in communication with the Government of each Presidency were deputed to the cotton producing districts to enquire into the various subjects connected with its cultivation, their capabilities, &c., and to report on the state of the trade, and the facilities for increasing the area under cultivation, as well as on the opening there might be for bringing European Agency to bear profitably in securing the supply of an improved and cleaner article, better suited to the requirements of the Home consumers than that generally exported. As far as the Government was concerned there was little left undone that could with propriety have been effected, without its at once entering on the field either as a producer or as a purchaser of the raw material, of the evil results of which course there can be little doubt. The Government, acting as it did, pursued the better and wiser course. Had the Government taken any active part in encouraging increased production of cotton, there is no question but that the immediate effect would have been to create an unhealthy and artificial trade, which could not have survived the withdrawal of Government from the market; and had it commenced operations as a producer, it would have entered the lists with its own Ryots and would rather have discouraged than stimulated their efforts. On the whole then, the course adopted by the Government of India must be considered

the only legitimate one, viz. to encourage as much as possible, without direct interference with the cultivators, an increase of the area usually devoted to the cotton crop, and by constructing roads to afford facilities for its transport to market at a less cost than hitherto prevailed.

The action of the Government having been thus determined, it remains to consider what other elements have to be brought into play to further and ultimately to attain the object in view. In the first place it will be requisite to enquire into the nature and value of the reports furnished by the cotton commissioners and what results are likely to arise from the information they afford.

The Report of Mr. Paterson Saunders, Senior, the Commissioner deputed to the Doab, the country lying between the Ganges and Jumna Rivers, has been compiled with considerable care, and in its limited space contains information of a highly interesting and varied character. It is evident from this report that at the present time there is little or no cotton grown in the Doab in excess of the requirements of local consumers, although from the commencement of the present century till within the last thirty years, a very considerable trade was carried on with Calcutta, whence the cotton was exported to China and England. From 1810. 'The Merchants and Planters in the North West had cotton factories and cotton screws at Futteghur, Calpee and Mirzapore. They purchased the cotton from the natives, cleaned, screwed, packed and exported it to England and China. But the trade gradually died away. The exporters were unable to compete with the cotton grown in the Southern States of America by slave labor and on lands that paid no Government Revenue.' The trade was gradually abandoned altogether, the China requirements not being sufficient to pay the expenses of European Agencies and the maintenance of factories and screws.

Cotton was first imported into England from India in 1783, when the amount shipped was 111,133 lbs; in the following year there were but 11,440 lbs imported and in 1785, 99,155 lbs. During the three following years there were no imports from India at all, but in 1790, 422,207 lbs were received; from this time, excepting in 1792 when there were no shipments made, the receipts gradually though with some fluctuation increased until in 1799 they reached 6,712,622 lbs. In the following year the first large importation from the United States reached Liverpool amounting to 16,000,000 lbs, and the supply from India gradually fell off until in 1809 when it suddenly rose to 12,517,400 lbs and in the following year to 27,783,000 lbs, against 36,000,000 lbs from America. From this time the Indian imports fluctuated greatly until

in 1813, the first year of the war between England and the United States, only 497,350 lbs were received from India, but in the following year the receipts were 4,725,000 lbs, and from this time they again gradually increased until in 1818 86,556,000 lbs were imported against 58,333,000 from the United States. But this was the largest quantity exported by India. In the mean time the supply from the Southern States of America had augmented year by year until in 1836 it had reached 289,615,692 lbs, and in succeeding years it gradually increased, without however much influencing the supply from India, as from 1840 the receipts thence varied in successive years from 77,000,000 lbs to 97,000,000 lbs until in the past year they touched 325,000,000 lbs. It is thus evident that however much the importation into England of American slave grown cotton paralyzed the Indian trade in that commodity, by throwing into the home markets a material produced at less expense to the grower than the Indian staple possibly could, the effect was but temporary, as in the period embraced between the years 1813-19 and 1835-36, the Indian trade had with respect to English markets fully recovered its position. It is quite true that during this period the imports from America had increased from 58,333,000 lbs in the former year to 289,615,692 lbs, and that whereas in 1818 the imports of Indian cotton exceeded those from America by 18,222,000 lbs, in 1836, the excess was in favour of the American production by 213,868,766 lbs. Nevertheless, the actual imports of Indian cotton had in the latter period reached the figure they stood at in the former. The price realized however at the two periods offered a marked difference, and it was in 1818 that Indian merchants first felt the baneful results of American competition in the Liverpool market. In 1817 the prices for this American staple were quoted at $16\frac{1}{2}d$ to $23\frac{1}{2}d$ per lb, for Indian $14\frac{1}{2}$ to $20d$. In the following year, while American cotton stood firm at the prices previously quoted, Indian cotton fell to from $7d$. to $20\frac{1}{2}d$. In 1820 prices were again more equal, Americans from $8d$ to $13\frac{1}{2}d$ and Indian from $6\frac{1}{2}d$. to $12d$; from this period both gradually decreased in value from the stocks being generally in excess of the demand, and in 1836 we find the quotations for American cotton at $7\frac{1}{2}d$ to $11d$, and Indian at $5\frac{1}{2}d$ to $8\frac{1}{2}d$: in after years both descriptions sank much lower and we find American cotton quoted at $3\frac{1}{2}d$ to $4\frac{1}{2}d$ and Indian at $2\frac{1}{2}d$ to $3\frac{1}{2}d$, but these appear to be the lowest figures ever reached.

Notwithstanding the little encouragement offered to shippers from India on account of the trifling demand in which their staple stood, the exports gradually increased subsequently to 1836,

though in some years there was a decided falling off caused by the exceedingly low and unremunerative prices realized, until as has been shown, in the past year the shipments to England from India alone amounted to over 350,000,000lbs, about one half of Manchester's annual consumption.

The chief faults found by English spinners with Indian cotton, are shortness of the fibre, and inequality in its substance to which must be added the careless and impure state in which it is packed. These therefore become the subjects deserving of most attention, and out of them arise questions as to the system pursued in the cultivation and after process, with a view to improvement, and how this may best be effected. To place this clearly before the reader it is necessary to detail the system generally pursued in the cultivation of cotton in India, shewing what interest the Ryot really has, if any, in the production of a better article.

There is no crop which pays the Ryot so ill as cotton; whether it be from want of attention and care in its cultivation, from the absence of all proper and needful preparation of the land to receive the seed, or from defective seed, arising from no care being taken in selecting it, or from one and all of these causes it is quite certain that generally speaking the crop is of all others the least remunerative to the grower. It is a crop therefore he will never grow, unless he is secure of a purchaser before putting the seed into the ground, and out of this disinclination on his part arises the system so baneful to all agricultural progress, that of advances. Every native cotton and grain trader in India has his Agents in the interior; it is these people who enter into arrangements with the Ryot for the production of such staple or cereals as may be required by his principals, or which existing demands and present scarcity may point out as of most importance. In addition to these Agents of the larger native firms every village has its Bunniah or petty trader, who as far as his means admit of, is always ready to enter into speculative transactions, and to defraud the Ryot in every possible way. The chief object of all these dealers great and small is so to make up their accounts with the Ryot as always to keep him in their debt and never by any chance to allow him to entirely work off an advance. By these means he becomes bound to them, and as their slave he must sow such crops as they require and no others, and deliver them at certain fixed rates independent of any fluctuation of prices, and as these rates never exceed the lowest possible fraction at which the Cultivator can produce his crop with a slight margin for profit to himself, he is completely shut out from profiting by any rise in the market. The

natural result of such a system is, that the Ryot's object is to produce his crops with the least trouble, and at the smallest possible expense to himself. Can it then be matter of surprise that foul and impure cotton is the result. Would it not rather be surprising, were it otherwise?

If we look at the cost of cultivating an acre of Cotton as given in the papers before us, and compare it with the same area sown with Jowarie, and their respective yields, we shall find that the latter crop, although in point of market value the least considerable of all cereals, gives a far better return to the farmer.

The Government demand on an acre of first class land is	Rs. 2 6 0
Cost of Seed (Cotton)	0 6 0
Charges of cultivation, tillage &c.	1 4 0
Weeding	0 4 0
Picking	2 12 0
Cleaning by Churka	0 6 6
Total Cost Rs.	<hr/> 7 6 6 <hr/>

YIELD.

260 seers of Cotton, which when cleaned will give 65 seers, the average value of which at 6 seers per Rupee is	10 13 4
To which add value of 190 seers seed, at 57 seers per Rupee	3 5 4
Total Rs.	<hr/> 14 2 8 <hr/>
Deduct from this interest at 2½ per cent per annum for 6 months on Rupees 7-6-6	0 14 2
Total Rs.	<hr/> 13 4 6 <hr/>
From which deduct cost of culture	7 6 6
Total profit Rs.	<hr/> 5 14 0 <hr/>

But, as the Ryot will have had to make his bargain with the dealer before he would receive any portion of the advance for his crop, his profit would be reduced by the lower rate at which he would have been forced to contract to deliver his produce.

In the case of Jowarie the cost of cultivation and return are as follows.

The Government demand per acre of first class land	Rs. 2	6	0
14 seers Jowaree seed	0	8	0
Weeding 5 times	1	4	0
Reaping	1	0	0
Garnering	2	2	6
Threshing, or treading out by cattle	0	12	0
Winnowing	1	1	6
Cost of production, Rs.	9	2	0
Add interest at 24 per cent. per annum for six months on Rs. 9-2-0,	1	1	6
Total cost Rs.,	10	3	6
YIELD.			
2½ Candies of Jowarie at Rs. 5-8 per candy ..	Rs. 11	11	0
250 Bundles of stalks at Rs. 3 per hundred ...	8	4	9
Total yield Rs	19	15	9
Deduct charges as above Rs.,	10	3	6
Total profit Rs.	9	12	3

Or a gain of Rs. 3-14-3 upon the Cotton crop.

From the above facts it is quite clear that the Cotton crop is the most unremunerative of all to the Ryot, and even Jowarie, the cheapest grain and most ordinary food of the lower orders, offers a larger profit. Under these circumstances it is hardly matter for surprise that the grower pays the least possible amount of attention to this crop, or that he will not take pains to deliver a clean staple, when a foul one, from weighing more and being of larger bulk, will be more remunerative to him, in the first place from less expense attending an imperfect cleaning by the native churka process, and in the second from its enabling him to deliver a larger quantity than he possibly could of clean cotton.

The Cotton in its already sufficiently foul state having passed into the hands of the agent or dealer, it might be supposed that it would reach market without gathering additional impurities on its way, but it is far otherwise, for the agent or dealer in packing it seeks to add to his own or his master's profit by still further increasing its weight and adds sand, or earth to the already far from clean cotton. It is not therefore surprising that Manchester spinners complain of the very unsatisfactory and

uncertain results attending the use of Indian cotton. From the mixture of pod-husk, leaves, pieces of stick, dirt and sand with the cotton in the bales, great injury is done to the fibre, and, apart from the portions rejected as too impure to turn to account, much waste accumulates from this cause, the fibre being so cut and torn as to render it unavailable for spinning purposes.

These are evils the spinner cannot rectify, though there is no reason why mere shortness of staple should cause rejection. Nor can there be any doubt as to the result should the short staple varieties reach England thoroughly purified of all the dirt and filth which at present make up no inconsiderable portion of the contents of each bale, for were this the case and the out-turn certain, the spinner would not be slow in so altering or re-adjusting his machinery as to adapt it to work up the short staple. It is objected that during the many processes the cotton fibre has to undergo while in transit through the spinning machinery, the shortness of the staple of Indian cotton is apt to cause its being blown away. But though this may be an objection to its use in machinery adapted only to the spinning of the longer varieties, there can be no question of the feasibility of adapting machinery to the spinning of fibres of any length. It is not therefore so much a question of length, as of fineness and purity, and as one of the indigenous descriptions is not only very productive, but yields a staple at once long, fine and strong, it at first appears surprising that any other should be cultivated at all, but when we look into the reason our astonishment abates. In the first place except for the manufacture of the finest descriptions of muslin, for which the cotton is peculiarly prepared for the yarn obtained from England, no cotton of a fine description is required by the local consumers. Manchester cotton goods of the finer orders are obtainable in India at a lower figure than they can possibly be produced by the country looms. It is therefore to the coarser kinds of cloth used by the lower orders for every day purposes, either for clothing or the numerous purposes to which coarse and strong cotton yarn and cloth are applied in India, that the staple is employed, and for these purposes the 'Bondee' is used, and for two reasons. The first and most important is that, while the 'Bunsee' cotton requires a peculiar soil to bring it to perfection and produce a large yield, the 'Bondee' may be grown almost in any soil, and between the rows of plants several descriptions of pulse may be sown, whereby with but one ploughing and dressing the Ryot is enabled to grow two crops, and the pulse taking the place of weeds obviates the necessity for weeding; whereas the 'Bunsee' cannot be profitably grown

intermingled with any other crop. The other reason is that the fibre of the 'Bondee' is, though short, exceedingly strong and close, and as it is procurable at a lower rate than the other, from the smaller expense incurred in its cultivation, and as it is equally well if not better adapted for the common coarse purposes to which it is to be applied, it is in general use. Nor must it be forgotten that for making ropes, which are in common use in the cotton districts, it is by far the best adapted.

There is therefore an indigenous cotton plant in India, which with little care might be made to yield a staple in every way suited to Manchester spinners. The staple is quite as fine and long as ordinary Upland cotton, and by attention to the cultivation both its fineness and length might be improved. The one drawback before which all others pale is the inadequate price all Indian cottons command in the home market, when the American varieties are available; and while there is so little security for any maintenance of price, it cannot be expected that so suspicious and timid a race as the natives of India will pay much attention to improvement, when the results of their labor and money is of so very doubtful a nature. Any improvement therefore as well as any marked increase in the cultivation of cotton must depend entirely on British enterprise, for as it has been endeavoured to be shewn, the cultivator himself has no direct interest in its production, inasmuch as he can employ his land far more profitably.

The means, by which all that is requisite to induce both increase of cultivation and improvement in the staples could be ensured, may be shortly stated as being the establishment of British Agencies in localities contiguous to the known cotton fields of India, with appliances for cleaning and packing the cotton on the spot, and improved means of transport, to which must be added the enactment of an equitable law rendering performance of contract by either party compulsory, and punishing promptly and severely all dishonest evasion. Without this latter condition the European would stand no chance of success in any endeavour to promote the object in view, his advances would be taken but the native dealer or agent would alone profit by them; but with such a law to back him he could soon drive his opponents out of the field. The advances he made to the Ryot might be independent of interest, and the evils attending on the usurious practices of the native traders being removed from the cultivator, his crop of cotton would at once become more profitable. Besides, with improved means of transport, and with appliances for cleaning, screwing and baling on the spot, the bulk of the article would be so much

reduced, that the cost of carriage would necessarily be far less heavy than at present, and so leave a margin for profit sufficiently broad to warrant a better price being paid for improvement in the culture of the plant, and in the picking. The cleaning would always be more advantageously done at the factory, under the immediate eye of the agent, for not only would it render certain the cleanliness and purity of the cotton baled, but as in nine cases out of ten the cleanest cotton brought to the factory would have to be again passed through the saw gin, the double risk of injuring the fibre would be avoided, and the first expense saved to the Ryot; and this would tend still further, by enlarging his profits, to induce the payment of additional attention to the preparation and manuring of his land, and to the culture and weeding of the plant, all of which are so essential to abundant yield.

A means for improving the staple would be found in the agent's providing the seed himself; this he might manage, by, in the first instance selecting from the pods those seeds only to which the longest and finest fibres are attached; by sowing them in carefully prepared land adjacent to the factory, he would raise a crop of seed cotton, which being immediately under his own eye could not fail to meet with every attention requisite: from the pods thus raised after selecting the finest seeds for further experiments, he would obtain seed which would be sure to be an improvement on that ordinarily sown by the Ryots, and which he might distribute among them for their next crop. By pursuing this system a few years could not fail to see the indigenous cotton very considerably improved in every respect, nor could the experiment be attended with any expense at all likely even in the first instance to act detrimentally on the profits of the factory.

There are few parts of India where the European can possibly expect to be able to cultivate his fields with his own hands without sooner or later succumbing to the effects of climate. Nor in such localities could he possibly raise cotton. But though the British settler cannot with impunity do outdoor work under a tropical sun, he may turn the grant of land he obtains from the Government to far greater profit to himself and to others than by any bodily exertion on his own part. By offering leases of small farms to native agriculturists at nominal rents under certain provisos he may ensure such crops as he may desire, and by personal superintendence he may secure that care and attention on the part of his tenant to the preparation of the land and to the after culture, which cannot fail to prove a source of profit to both landlord and tenant.

It is in this way that British enterprise in India may be

productive of incalculable good. It is by such means that the waste lands at the disposal of Government, and which are now obtainable on very liberal terms may be turned to good account, not only as rendering productive barren wastes, but as bringing into immediate intercourse the two peoples, where the interests of both, so far from clashing, are similar, and by such intercourse doing more to efface the present careless and slovenly style of agriculture pursued by the native, and substituting for it the careful neatness of the English system, than years of antagonism such as now rages in Bengal between the two races could by any possibility effect. To the introduction into India of a practical class of farmers from England we look for more advantage to the people and more security against revolt than to any other means, and if the present demand for cotton by England, and the pressure put upon the Government, by causing the removal of present and past obstructions to the settlement of Anglo-Saxons in India, be the means of insuring the immigration of the required class, both England and India may have cause to bless the day when from internal commotion the supplies of American cotton were cut off.

With regard to the foreign varieties of cotton, which have been introduced into India with as yet but partial success, there is much to be said as to the causes of failure in so many instances, and, notwithstanding these failures, of the promises of eventual success in satisfactorily acclimatizing one and all of the descriptions found in every part of the world. The known varieties are distinguishable under three different heads:—1st '*Gossypium Barbadosense*' under which is classed, Sea Island, Egyptian, New Orleans, Mobile, Alabama, Uplands, Demarara, Berbice, and West Indian,—2nd '*Gossypium Peruvianum*' comprising Peruvian, Pernambuco, Aracali, Ceara, Maranhão, Para, Bahia and Maceio; and 3rd '*Gossypium Indicum*,' under which head are found all the Asiatic varieties, Smyrna, Surats, Madras and Bengal. The three varieties are generally distinguishable by the formation of the leaves. The leaves of the *Gossypium Barbadosense* are in most descriptions three lobed with the lobes full and short. The *Gossypium Peruvianum* assimilates much with the former, except that the leaves have generally five lobes. But as all these varieties are considerably affected, by soil and climate, they one and all very materially alter their features in different situations, the short full leaf of the New Orleans variety becoming very considerably lengthened when produced in some parts of India, so much so as to make it resemble in many respects the indigenous plant, while in others, where soil and climate

approximate more nearly those of New Orleans, its distinguishing characteristics are more nearly maintained, it is thus a matter of great difficulty for the Botanist to determine at any time the exact species to which one or other of the numerous descriptions of cotton really belongs.

The properties peculiar to the numerous varieties of cotton classed under each head are various, but each performs its part, and if the processes of weaving are carefully examined it will be found that the staple suited to the warp would not answer for the weft. In spinning also we find that it does not always answer to spin a yarn entirely of one description of cotton. Of course it will very greatly depend on the purposes for which the yarn is required, but as a general rule, several descriptions of cotton are used in the manufacture of one article. Of all foreign cottons Sea Island is the longest in staple and the finest in fibre; next as to both qualities stands Egyptian. Brazilian as to length of staple comes third, but its fibre is the coarsest of all: last we have New Orleans or Uplands, which while being shortest in staple is next to Egyptian in texture. Of the products of India, cotton grown from Sea Island and Egyptian seed stands first. In length of staple it stands next to Sea Island, and in quality of fibre it ranks next to Egyptian. The produce of exotic American cotton ranks just below Brazilian as to length of fibre, but below all the foreign varieties in coarseness. Last of all in every way ranks the indigenous cotton of India. There is no reason why such should be the case, and were proper attention and care paid to the selection of ground, to loosening the earth round the roots of the plant, to weeding, and to the picking of the pods, not only could a better staple be produced, but a more marketable article in every way.

The instances of failure in attempts made in Bengal to introduce varieties of American cotton have been purely the result of ignorance and inattention on the part of those experimentalizing. As an instance of this, we may quote Mr. Patterson Saunders Senior who in his report on the Doab says:—‘A planter at Mynporee informed me that he had received a supply of New Orleans seed from the Agricultural and Horticultural Society, that he had sown some hundreds of beegabs, but that none of it had germinated; he said this had greatly discouraged him and many Native Zemindars, who were watching the experiment, and they had all come to the conclusion that the soil and climate were not suited to the kind of seed. On enquiring how he had sown it, I elicited from him that, by the advice of a Native, he had steeped the seed in hot water. He admitted that he had not

‘superintended the sowing of it himself and could not say how ‘hot the water was.’ This is a painful example of how little heed even Europeans will pay to the cultivation of a crop from which they anticipate no adequate return for the trouble bestowed and expence incurred on it, nor can it be wondered at that natives, always suspicious of any innovation, should without any enquiry adopt the conclusion, that failure proved the unfitness of the seed to the locality. That both the climate and soil of the Doab are favourable to the growth of both Egyptian and New Orleans cotton the following extract from the same paper evinces. ‘At Futtighur I visited a small plantation of Mr. F. C. Bryant, who had been supplied by the same society with the very same seed. The whole of it had germinated well, but here again want of knowledge had led Mr. Bryant to the conclusion that soil and climate were not suited to the plant, as it was sickly, yellow and stunted. The seed was sown with the first rains in June, and to the day I saw the plantation (the 5th August) the soil had never been disturbed by hoe or plough. The soil of the field had been beaten hard by the rain and baked by the sun. The plants were strangled by the hardness of the earth around them, and maintained a sickly and feeble existence.’ Here we have proof indisputable of suitableness of soil, for the seed germinated well, and had Mr. Bryant but paid the same attention to his cotton crop, what he would have done to any other, the plant would not have been choked, and the growth stunted by its having to force its way through hard impervious ground. As Mr. Saunders remarks ‘It is melancholy to think that soil and climate should be condemned where want of skill in culture is the sole cause of failure.’ As the reverse of both of these pictures we have lately seen a sample of cotton grown in the Sunderbunds, which for length and fineness of staple, color and texture is equal to any we have ever seen produced in America. It is of the purest white and soft almost as the fleece of the *Gossypium Arboreum*. This we understand had been raised from Sea Island seed, and if so it proves that the soil this description delights in on the coasts of South Carolina and of Georgia is not essential to its productiveness, but that it can be translated to other lands without in any way lessening its value. The soil of the Sea Islands is an accumulation of oyster, and other shells mingled with bones and pottery; these having become intimately mixed with the sandy soil of the Island and with decayed vegetable matter, present a peculiar loam of a light and fertile nature. Dr. Forbes Royle from whose work we cull the foregoing, further adds that ‘Mr.

‘Piddington having received some of this Sea Island cotton soil, describes it when dry as appearing like a mixture of fine dark-gray sand, and charcoal dust, with fragments of shells, wood, both dry and charred, twigs, leaves, and even the shells of cotton seeds. Upon sifting nine ounces of the soil eight ounces passed through muslin as fine sand mixed with dark charcoal-looking dust. The remaining ounce was coarse sand with fragments of shells and vegetable rubbish.’ From this description of the nature and component parts of the Sea Island soil, the cotton grower in India can be at no loss to determine the propriety or otherwise of adopting the seed of those Islands as the exotic suited best to the land at his disposal. In the Sunderbunds though the soil is in some measure saline, it can scarcely be more so than that of the Sea Islands, which in different localities contains a large percentage of saline matter, muriate of lime and soda, the other deposits must in some measure resemble the Sea Island soil with the addition of the rich alluvial loam washed down by the Ganges. It is therefore not improbable that further trial may shew the Sunderbunds to be capable of producing even a better staple from Sea Island cotton seed than do the Islands themselves. In Dharwar, the cotton raised from Sea Island seed reached a mean length of 1.65 inches, and from New Orleans seed 1.50 inches: these measurements were made in Liverpool in June 1860 and were compared with the cotton received direct from the two localities. The Sea Island cotton was found to measure, 1.61, and New Orleans 1.02 inches, thus the produce of Sea Island and New Orleans seed grown in Dharwar surpassed in length of fibre the produce of both those places, but the Dharwar cotton had this drawback, that the staple was not so fine as in the American samples. It proves however what may be effected by attention to the peculiarities of the plant and to its requirements in respect of soil and climate, and what good results may be arrived at by the due application of skill and science.

Had similar attention been paid to the subject by the Doab Planters, very different results from those met with by Mr. Saunders would have been the consequence. If India is to take the place of America in producing for England the several varieties of cotton required for her manufactories, it will be by observing the peculiar properties and requirements of exotic plants. We find even in India that the black alluvial deposit, commonly known as black cotton soil, is not adapted to the cultivation of every kind of indigenous cotton, and the man who tries to raise the plant on soil which is not suited to it, will surely experience failure and disappointment. If this be the case as it

undoubtedly is with reference to indigenous cotton, how much more so must it be in respect of foreign varieties, and how much greater is the necessity for learning all the peculiar requirements of the species before its adoption is decided on. In Georgia, where what is called Upland cotton is produced, 'from the sea coast to the interior, for a considerable breadth, the country is level and the soil a sandy loam. Beyond these plains stretch the hilly undulating tracts, which have a deep black loamy soil.' This soil is in many respects similar to the 'Cotton soil' of India, but it is not that on which the best Uplands cotton is produced. It is 'a light, fawn colored sandy soil, with coarse particles of silex, of felspar, and of shells, some peaty, much-divided vegetable matter, but without any saline matter.' Soil of this description or of analogous properties exists in the Southern Mahratta country, the Concan, Belgaum, Dharwar, and about Sedashagurh, and the best cotton grown from Upland seed, known as Dharwar cotton, is produced on soil of this nature. This is a subject of peculiar value, and points out clearly the cause of the success which has attended on the experiments made in the Southern Mahratta country to introduce into India the several varieties of American cotton. The study of the nature not only of the soil but of the plant and climate moreover is necessary to success, and absolutely indispensable to all those who are about to take an active part either in the production of cotton in India or in the improvement of existing varieties and the introduction of foreign kinds, for nothing but disappointment can result if the opportunity offered of studying these details is neglected. We find that in Georgia there are other soils all of which produce abundant crops, one 'of a deep chocolate color, and yielding from 1000 to 1500 lbs of seed cotton to the acre,' another 'situated in a limestone region, which invariably grows a good product,' the structure of all is light, porous and friable, of such a nature as to possess considerable retentive power for water, and yet from its openness, to allow of a sufficient degree of drainage. The Georgian soils 'consist mostly of sand and all contain alumina, oxide of iron and of manganese, but hardly any lime. The organic matters consist either of decayed portions of plants &c. or very finely divided soluble matter, which in the soils vary from 4 to 8 per cent and in the subsoils from 1 and 1½ to 4 per cent. The soils also contain traces of saline matter.'

The short stapled cottons of America thrive best near the sea, in alluvial soils slightly impregnated with salt, but the soil in India found to produce the best crops from American seed is a red soil produced by the disintegration of granitic rocks and

is described as a coarse yellowish red soil intermixed with small fragments of kunkur, silix, felspar, and aluminous earth. The chief distinctions between the soils, of America, Mauritius, and Singapore and of India, are that the former contain a considerable percentage of vegetable matter and some part of it easily soluble in cold water, while in the latter very little vegetable matter is contained and that wholly insoluble in water: of Indian soils the best contain a far larger proportion of carbonate of lime. For the production of cotton the presence of vegetable matter in the soil is indispensable, nor can lime be dispensed with; though in Bengal, cotton valued at 9d and 11d per lb has been grown as an experiment in soil containing exceedingly minute portions of lime and carbonaceous matter.

It is at all times necessary in deciding on the nature of the soils to be employed for the production of cotton to consider their suitability in connection with climate, as regards not only temperature but humidity. Insufficiency and overabundance of moisture are both inimical to the luxuriant growth of cotton, but of the two the first is by far the worst. Cotton may and in some instances does live through a flood, and yield an abundant crop, but drought excepting in some peculiar localities and species destroys it outright; while therefore due care is taken that the soil shall be capable of retaining a great amount of moisture, it is as well in such soils as are liable to become too moist, by judicious drainage to guard against excessive damp at the roots of the plant. These are subjects to which the native agriculturist pays not the slightest attention, and it is chiefly from such causes that we find the yield of an acre of indigenous cotton but seldom exceeding 500lbs, the general average being half that amount, while the return from the same quantity of land in America is seldom if ever below 700lbs, and reaches to double that quantity in some favored situations and peculiarly productive soils. It is to the British settler and to those who purpose making the production of cotton their pursuit, that India must look for assistance in raising the present faulty system of cultivation to a level with that pursued in America and those countries where the better staples, and larger crops are produced. Every Englishman entering on agricultural pursuits in India should not only make himself thoroughly acquainted with the natural properties and component parts of the various soils he is about to work, but should learn how to turn them to the utmost profit by sowing them with those crops only for which they are most fitted. By such means many of the drawbacks to agriculture in India may be removed and difficulties, hitherto considered insurmountable, overcome. In

every grant of waste land obtained from Government a percentage of unproductive land will be given without payment being demanded for it; to the casual observer land so described appears to be utterly useless and worthless, but the scientific farmer or geologist will hardly fail to find some redeeming qualities hidden under a forbidding exterior, and in many cases he will turn to profitable account what others would regard as an incumbrance and eyesore to an otherwise flourishing estate. There are many soils in India sown year by year with crops they are not suited to produce, poor crops must be the result, and land obtains a bad name simply because its distinctive features are not studied or its real powers of production known; it is for the European to set this right, and in contracting with the native cultivator he must himself select land suited to the crops he requires and not run the risk of failure by leaving to the decision of the native considerations of so much moment, considerations on which depends success or failure.

Before closing this article it may be useful to take a glance at the system pursued in the cultivation of cotton in America, with the view of contrasting it with the method in vogue in India.

‘Mr. Spalding (the great authority on the culture of cotton) considers that a rotation of crops is essential, or rather that an intermediate crop of grain should be reaped, and all root crops be avoided.’

‘For the cultivation of cotton the ground is well ploughed and cast into ridges, which are about 10 inches in height, but vary in being from 5 to 6 or 7 feet apart according to the richness of the soil or the kind of cotton to be cultivated. In poorer soils the ridges are narrower, so that the plants which do not grow so large may yet be able to cover the ground. The ridges allow superfluous moisture to be carried off by the water furrow, which in low situations is made into a trench. The soil is allowed to settle for a few days before sowing, as the young plants take root more vigorously than when they spring up in freshly ploughed and loose earth. Sometimes the ground is manured by running a deep furrow early in the spring between the old rows of cotton stalks, which are beaten down into it by women and children, who follow the ploughman; or well rotted cotton seed is added as manure, and well covered up by forming a slight ridge over it. When the ground is quite prepared, a one hole drill makes a slight furrow, from $1\frac{1}{2}$ to 2 inches deep, along the centre of the ridge. The sower follows and drops in the seeds pretty thickly. These are immediately covered by a light harrow which also smooths the

‘ridge. Sometimes five or six seeds are dropped into holes which are made at intervals of about 15 inches on the top of the ridge. In favorable weather the plants make their appearance in five or six days, and are thinned out as soon as they put forth the third or fourth leaf. This operation is performed by scraping out with the hoe all the superfluous plants and weeds, leaving three or four together, with spaces of 12 or 14 inches between them. When the plants are sufficiently established, they are reduced to a single one, and care is taken to remove every particle of grass or weed. A light furrow is then run with a one horse plough within 5 or 6 inches of the plants, turning the earth inwards towards the roots, and even drawing it around them with the hoe in order to supply the place of that previously removed by scraping. Hoeing and ploughing are frequently repeated, so as to keep the ground free from weeds, and this is considered essential towards obtaining a good crop. The above processes besides loosening the soil and keeping it clean, must assist in drying it, at the same time that they prevent much lateral extension of the roots.

‘Lopping or pinching off an inch or two of the top of the plant is not always necessary, but is useful when there is a tendency to the production of wood and leaves to the detriment of flowers and buds. When the operations have been completed the plant is two or three months old and from two to three feet high; but at other times it attains a height of four or five feet.’

Let us now turn to Mr. Sillar’s description of the process pursued in the cultivation of cotton by the native of India, and having done so there will be no longer room for question as to the why and wherefore of the yield of an acre of Indian cotton being so very far below that of a similar area in America.

‘In March the old stocks are pulled up and the land ploughed, 10 bullocks pull one plough, sometimes 8, never less, sometimes old rotten cow-dung is put in the land as manure, generally not so. By the end of May the ground is harrowed by a harrow and a pair of bullocks. After rain has fallen once or twice (about the last week in June) the seed is put in either by a machine with three teeth, which scratches the ground and lets the seed fall into the furrow, or else sown broad-cast, the seed being mixed with earth to keep the grains separate; it is weeded about four times.’

The seed is not soaked in water before sowing. The tops of the plants are not cut off; when it blooms the branches are not thinned. The goats are turned into the cotton fields, to eat the tops off.

There are doubtless in a dry climate like India, good reasons for not adopting in its entirety the system pursued in America, the ridges for instance could not fail to be highly injurious, as being raised and forming a comparatively thin stratum of earth, they would be heated and even baked by the powerful sun of India, and the tender radicles of the plant proportionately injured. The moisture in the earth would by this means be entirely evaporated, and any rain falling would be carried off too rapidly by the water furrow on each side of the row of plants. But with some few modifications the American system might be introduced with very good effect, and to much advantage in India where it may literally be said there is no system whatever, the seed after having been once put in the ground being left to germinate and the plant being allowed to grow very much as nature dictates, without any aid from art.

It has been said by a writer in one of the leading Calcutta Journals, in a series of admirable articles on the cotton question, that if Manchester will adapt her machinery to work up the short and coarse stapled cotton of India she may by substituting a machine for a hand loom cloth, so undersell the hand loom workers of India, as to obtain every pod of cotton grown throughout India, and by such means effectually stave off the misery with which shortness of supply threatens her working classes. At the same time though undoubtedly the measure proposed would prevent the recurrence of the present evil from the internecine struggle in America, the fact must not be lost sight of, nor is it by the writer in question, that India to hold her own as a cotton producing country must, by the improvement of the indigenous plant, and the introduction and acclimatization of foreign species, for her part raise a staple in every way fitted for the manufacture of the finest cotton fabrics which hand or machinery can turn out. It will not do for India in England's need to oblige her to take what it is her pleasure to produce, but she must use every endeavour so to advance her cotton cultivation as to be able to send her the staples most urgently required. If India sets vigorously to work, by the production of every variety of fibre England requires, to retain her custom, she will succeed; but if she does not, the efforts of the few who are now moving in the matter will be lost and we shall in a year or two at furthest see the Indian cotton trade, now reviving, sink again into insignificance as it did when slave grown cotton was introduced from the Southern States of America.

To prevent this, and to guard against any further reliance being placed by England on an uncertain and precarious supply,

such as for the future that from America must be, it is incumbent not alone on India but on England herself to encourage in every legitimate way that attention to cotton cultivation in India which is now displaying itself.

We have already pointed out how the object in view may be attained, and we will now conclude this article by quoting Mr. Patterson Saunders on the subject. 'For a trade in cotton such as England would consume, European superintendents and European capitalists are indispensable. There is no doubt that with proper cultivation the native cotton would be largely improved in color, fibre and staple, and the exotic varieties such as Egyptian and New Orleans would grow well. The European capitalist is required to advance funds to the grower, to teach him how to cultivate and pick his cotton, to erect factories and import screws for the purpose of cleaning, screwing and packing the cotton. I am convinced that in these densely populated districts Europeans can never cultivate cotton on a large scale. Every man, woman and child in the country would steal it, and as the picking cotton occupies nearly two months, the European growers would not house one third of their crop. All agricultural produce that the natives can eat or use, such as grain or cotton can never be grown on a large scale by Europeans, but they may with advantage, have small plantations attached to their Factories, to show the people how to cultivate, to show the greater profits of good cultivation, and to be enabled also to distribute good seed among them.'

- ART. V.—1. *Egypt's Place in Universal History.* By Bunsen, 4 vols. 8vo. London: Longman & Co.
2. *Horæ Egyptiacæ, or the Chronology of Ancient Egypt.* By Reginald S. Poole, 1 vol. 8vo. London: Murray, 1857.
3. *Otiæ Egyptiacæ.* By Gledدون, 1 vol. 8vo. London: Madden, 1849.
4. *The Ancient Egyptians.* By Sir J. G. Wilkinson.
5. *Egyptian Hieroglyphics.* By S. Birch 1 vol. 12mo. London: Bradbury & Evans, 1857.
6. *Israel in Egypt.* 1 vol. 18mo. London: Seeleys, 1854.
7. *Cory's Ancient Fragments.* 1 vol. 8vo. London: Pickering, 1852.

IT is our wish to devote more than one article to an elaborate and conscientious examination of Bunsen's best and greatest work—*Egypt's Place in Universal History*. From many of his conclusions we shall be compelled to withhold our assent: but as a monument of far reaching research, of matchless ingenuity, of scholarship profound and almost universal, and of masterly dealing with the history of ages so remote that their memory seemed to have utterly perished, his work is, in its own department, unequalled and alone. It has been the crowning glory of his literary life: but it has also raised up much obloquy against him, and many enemies. We had the privilege of hearing from his own lips opinions on certain portions of Scripture history and chronology differing from those generally held, and of hearing at the same time his admiration of the Bible, and full conviction that it was the word of God; and we believe him to have lived and died a true follower of Jesus. This does not affect, it is true, the facts and questions discussed in his work, which are to be determined on other grounds. By their own merits they must stand or fall. But this brief expression of respect for a great and good man, an honour to his age and to his country, will tend to show that we come to the consideration of his views with no prejudice against the writer, and no belief that he was either an infidel, or an enemy to the Bible.

The first step in our inquiry will be to lay before our readers a popular bird's eye view of Egypt, its physical geography, its monuments, temples and tombs, its social life, chronology and

history about 4000 years ago. The manner in which this knowledge has been acquired, the fulness accuracy and minuteness of its details, the firm historical basis of the successive dynasties, the comparative ease with which the hieroglyphics are now deciphered and interpreted, are in themselves most curious and interesting. They have all the fascination and freshness of strange and new discoveries. They are the resuscitation of a past that seemed long ago buried and forgotten.

To know, not only what the evidence is, but also how it has been obtained, and to set it, so to speak, before our own eyes, will greatly help us to judge of its value. Such an introductory sketch is absolutely necessary, ere we can realize, as sober facts, the history of a people that lived so long ago. In 4000 or 5000 years such great changes take place and time deals so roughly with man and the work of man's hands, that we can scarcely imagine beforehand how any human memory or memorial can survive so long. The earth itself changes its aspect; seas dry up; islands rise from the depths of the ocean, are gradually covered with vegetation, and become at length the abodes of man. In 4000 years nations die out, and newer and stronger races come into existence: and, in a far shorter period man's proudest works, his citadels, cities, temples, palaces, and tombs, crumble into dust, turn to heaps of ruins; they are sometimes however buried in the earth, as a mammoth preserved in polar snows, to come up again after hundreds or thousands of years, and startle us, like a visitor from other times, or another world. It is doubtful if there be in England any building, now habitable or entire, that can be traced back for 1800 years; and it is certain that no trace of authentic English history goes back so far as 2000 years. Our first appearance on the world's stage was when Julius Cæsar crossed the Straits of Dover about 50 years before Christ, and fought with our forefathers, or (to speak more correctly) not with our forefathers, but the forefathers of the Welsh, and perhaps of the Highlanders. He found the people of England painted savages, but warlike and brave enough. That was 1900 years ago. Rome who then ruled the world, lorded it over France, and looked upon the British of that day, much as we look upon the savages in the Andaman islands. Seven hundred years before that again, Rome itself was not founded. If we wish to know the time of the Norman Conquest, or the battle of Cressy, or Agincourt we obtain information from books and manuscripts. But printing was only discovered 400 years ago; there is no known manuscript 1600 years old except of course the rolls found at Herkulaneum and the papyri of Egypt, which from various causes

are all but unintelligible, and our era goes back but 1861 years. The Romans, the Greeks and the Babylonians had each an era of their own; and all three began about the same time—all less than 800 years before Christ. There is no earlier historical era—that is, for the last 2700 years, we can (in most cases) tell the particular year in which any great event happened; but before that all is confusion and guessing, and there is no accurate history, in any profane writer, nothing that we can fully rely on.

Two thousand seven hundred years ago then is a very important date, as the beginning of true and trustworthy profane history. It coincides very nearly with the reign of Hezekiah, king of Judah. But Egypt was a powerful and civilized kingdom, and had built some of its mightiest monuments at least 1500 probably 2000 years before Hezekiah was born. For all that long, dark, weary period, Europe had no history; and with the exception of a few Grecian legends like our Robin Hood, or King Arthur and his knights of the round table, all we know is, that hordes of savages from the East roamed through its vast forests, or spread over its wide plains, here and there gathering into some show of rude civilization, but on the whole, wild, fierce, unlettered. Many a death struggle for existence, many a bloody fight, was lost and won; many a barbaric king led his hosts to conquest; many a famous warrior, whose name was once a name of terror, sleeps nameless and forgotten beneath his mound. Not one single deed, not one single name is preserved to us; and we know as little of what was doing in our own Europe for these 2000 years, as we know of what is now doing in the undiscovered regions of Central Africa. How shall we cross this vast gulf, dark, sunless, bottomless. How can the mind wing its flight 4000 years back, and transport us to the halls and palaces of the Pharaohs, read to us their daily history, and set them before us, not by description and story, but face to face, in such a way that the most hard of belief will be as fully persuaded, as if he had lived among those old Egyptians, and seen them with his own eyes? With the help of the Bible, we can find our way across this great gulf. God has suffered all other history to sink into oblivion. He has preserved alone the history of the only people on earth that worshipped the living and the true God. Jewish history is complete from Hezekiah to Abraham, that great and good and holy man, whom Mussulman, and Jew and Christian alike venerate. We cannot tell exactly how many years elapsed between Abraham and Hezekiah. It could not have been less than 1400; that is, it is now fully 4000 years

since Abraham went down into Egypt, and found a Pharaoh on the throne.

Many of us have sailed on the mysterious Nile, passed through modern Cairo, close to the spot, where Memphis, the ancient and first capital of Egypt once stood, and seen those grey old pyramids, rising like mountains above the desert. Is it not suggestive of their vast, their wondrous age to know that in that self same place they stood in Abraham's days, and that the eyes of Sarah and of Abraham, must have looked up to them with an awe and wonder like our own? Many a billow of war and change has surged and broken at their feet; all the dynasties of the Pharaohs, and the shepherd Kings, Abraham, Joseph and Moses, the mad Cambyses and his Persians, the great Alexander and his Macedonians, the first Cæsars and their Romans, Herod the Great, St. Louis and his Franks, Saladin and his Saracenic hosts, Napoleon the First and our own Abercrombie and Nelson, the foremost men in all the world have looked upon them, and died, and crumbled into dust: but there they stand in silent, calm, all but everlasting, grandeur, and there they may stand thousands of years hence in a future parted as far from us, as we are from Abraham.

Soon after Egypt was conquered by Alexander the Great, about 300 years before Christ, in the reign of Ptolemy, the first Greek King of Egypt, there lived an Egyptian priest, named *Manetho*. From lists of the Kings, kept in the temples, and seen also by Herodotus (that most delightful, curious, and interesting of all travellers and historians) about 500 years before, and from the traditions and records, oral and written, preserved by the priests, this Manetho wrote a long and elaborate history of Egypt, from the foundation of Memphis by Menes the first king, to the conquest of Alexander the Great. This history is lost; and to judge from the fragments of it that have come down to us, the world has probably not lost much by its destruction; for they are mostly silly and absurd fables. But though the history is lost, the lists remain, having been copied by two of the early Christian writers. That is, we have the names of nearly all the kings from Menes to Alexander, and in most cases the lengths of their reigns, handed down to us by this Egyptian priest, Manetho.

But may it not be that his catalogue of kings is as visionary, as the portraits of the Scottish kings in Holyrood palace? We may feel assured that it is not, because the very names, that he gives, are to be seen to this day on the royal tombs and sepulchres: and then as to his dates, you find in the Bible Shishak,

king of Egypt, conquering Rehoboam king of Judah. Hezekiah contemporary with Tirhaka (Taracho) king of Ethiopia; king Josiah slain by Pharaoh Necho, B.C. 610; and Pharaoh Hophra in the times of Zedekiah and Nebuchadnezzar. Counting the years in the Bible from Rehoboam to Hezekiah Josiah, and Zedekiah; and then counting the years in Manetho from Shishak to Tarchon, Pharaoh Necho, and Pharaoh Apries we shall find them agree all but exactly.

Manetho says as well as Herodotus that the largest pyramid was built by a King called Cheops, or Chufu; and he is much farther back from Shishak in Manetho's lists than Abraham is from Rehoboam in our Scriptures. If then King Chufu built this pyramid, it must be older than Abraham. But of this there is really no doubt whatever. Not many years ago Col. Howard Vyse opened and measured nearly all the pyramids; and in a small recess built above the principal room in the largest, opened perhaps for the first time since the days of the Pharaohs, the name of Chufu, was found repeatedly on the stones, as a quarry mark!

It is certain that Shishak went up to Jerusalem, and took it in the time of Rehoboam; and on the monuments of Egypt we have a picture of a King, brought bound before this very Shishak, with this inscription over his head—'The King of the Jews.' It is certain also that Rehoboam lived 1,000 years before Christ; and therefore very little less than 3,000 years ago. Manetho gives the names of many Kings, who lived before Shishak. One built a temple, another a palace, or a pyramid, or a wonder of the world, like the new re-discovered Labyrinth, with remains of its 3,000 chambers in the Feiyoom, or erected an obelisk of one huge stone. One reigned 50 years; another, 20; another, 12. One conquered Syria, Palestine, and Ethiopia; another was driven from his kingdom.

All these particulars, and many others (very brief all of them) relating to hundreds of Kings before Shishak, are to be found in the lists of Manetho. Enter the pyramid, go to the temples and palaces of Thebes, read the inscriptions still on the obelisks, on the walls, in the tombs, in the quarries at Sinai, down as far as Nubia, up beyond Tyre and Sidon:—each has on it a name found in Manetho; and when these Kings tell us of work done, or war finished in a certain year of their reign, that number in no one instance contradicts the length of reigns allowed to them by Manetho. Two distinct genealogical tables have been found, on the whole agreeing with Manetho, and the Monuments, and going back for certainly 1500 years before Shishak. Such inscriptions pervade all Egypt, are sown broad-cast over the land;

and as they were before Shishak, himself flourishing nearly 3000 years ago, even this short sketch will suffice to convince the reader, that he is fairly landed among Kings and buildings, that are fully 4000 years from our days.

Before proceeding further it may be well to explain what these pyramids really are. It is only very lately that they have been thoroughly explored, and their true use and meaning discovered. Many thought, they were built before the deluge. Others, that like the tower of Babel, they were meant to flee to, if God sent another flood. Some imagined them to be the granaries, wherein Joseph stored the fruits of the seven years of plenty. Others, that they were treasure houses built by the Israelites for Rameses the Great. It so happens that the largest pyramid contains only two small sized rooms, and would scarcely have served as a barn for an ordinary farmer, far less as vast granaries for all the corn of Egypt; while the idea of keeping treasure, in a place hermetically sealed, and so strongly and effectually shut up, as to have defied the curiosity and the avarice of 40 centuries, is only absurd. Astronomers again would have them to be observatories, because their sides face the cardinal points, and the air passage points nearly to the pole; while an ingenious Frenchman, no longer ago than 1845, insists that they were intended beyond all doubt to check the encroachments of the sands of the desert!

The Arabs and Turks do not trouble themselves with such speculations. They tell you gravely and with full belief, that they were built either by the giants, or by the *Jins*! What is a Pyramid then after all? It is just what the old Egyptians always said, it was; just what Herodotus told us 2600 years ago—it is nothing more or less than a huge tomb. Let us take the largest pyramid as an example; for they are all nearly alike. A site was chosen for it, on the top of a range of limestone rock, that rises about one hundred feet above the valley of the Nile. In this rock a shaft was sunk to a considerable depth, and where it ended a room or chamber was cut out in the rock, about the size of one of our ordinary rooms;—30 or 40 feet long, from 16 to 20 wide, and from 11 to 14 feet high. This was for the coffin usually of granite highly polished, or of some other valuable stone, with the king's body inside. In rare cases a second chamber, and in one a third was formed far above this in the huge stone or brick superstructure, which was built above the rock. This too contained a stone or marble coffin, sometimes highly ornamented, for the body of the king or queen. Two passages lead to these at a gentle incline; the one enters from various heights (generally

about 50 feet) from the ground; the other is underground altogether. After the coffin was once pushed in through these long passages of the most exquisite finish and workmanship, so that even now you cannot insert the blade of a penknife between the joinings of the granite blocks, the passages were stopped by close fitting granite portcullises, the entrances filled up with huge blocks, and every precaution taken to conceal both from prying eyes. Two small air passages led up to the outer air, for the convenience of the workmen. There is nothing else in the pyramid, only a small room, a coffin and a dead body: all the rest, with the exception of the passages generally about 3 feet wide, and 4 or 5 high, is solid brick or stone. In every pyramid, either the coffin and the body, or the empty coffin, or fragments of it, or the excavation in which it stood, is found in the central room: so that not a doubt remains that a pyramid is simply a large tomb formed by four inclined planes meeting in a point. But what a tomb! The great pyramid alone contains 90,000,000 cubic feet. Each side of the base was $767\frac{1}{2}$ feet, and the summit was 479.64 feet high. The pyramid was built, as we see it now, in successive stages, each smaller than the one below, so that it was ascended by steps, about 3 feet high and 2 feet wide, to the top.* How with their rude machinery, they raised such huge

* The Great Pyramid is according to Perring's measurements in English feet:—

Base	767.424	} angle of side with base $51^{\circ} 20' 25''$
Height	479.64	
Slant Height	614.23	

Entrance 51.39 ft. from ground, 23 ft. 8 in. East of centre on the North side. Length of passage from entrance to 1st room 342.6, Height 3.915. Width 3.426. Incline $26^{\circ} 33' 54''$. There are 2 rooms above and 1 below the base. The lower chamber 90 feet 8 inches below the base is 46 feet long East and West, 27 feet 1 inch wide, and 11 feet 6 inches high. The horizontal chamber running out of it is 27 feet long, 5 feet 9 inches wide, and 3 feet high, leading to the passage opposite the entrance. Another narrow horizontal passage 53 feet long, about $2\frac{1}{2}$ wide, and $2\frac{1}{2}$ high, leads to nothing, and was probably unfinished. In going to the upper rooms, you first descend till you reach 2 branches one leading down to the room below; the other ascending for 156 feet, till it comes to the great gallery: here it branches again horizontally for 110 feet to the Queen's chamber $18\frac{3}{4} \times 17$ and 15 high, with the roof sloping:—the other branch continues to ascend, and opens into a long gallery or hall, 150 feet 10 inches long, 5 feet 2 inches wide, 28 feet high. From the great gallery a horizontal passage 22 feet long, leads to the main chamber, with an opening and a large granite portcullis in the middle $12\frac{1}{2}$ feet high. The main chamber, just in the centre, 139 feet above the rock, and 320 below the apex, is $34\frac{1}{2}$ feet from E to W, 17 feet 1 inch wide, 19 feet 1 inch high. Nine enormous blocks of granite each about 20 feet long form its ceiling. The air passages, of an average diameter of 8 or 9 inches, are 233 feet long. Four recesses above only serve to lessen the pressure on the roof. This pyramid is supposed to be the tomb of 2 kings.

blocks of stone 480 feet from the ground we will not now stop to describe: but when all was done, the workmen began at the top, filled up all the steps with smaller stones and rubble, cut off the projecting edges, and made it all one smooth inclined plane from the top to the bottom. Then the work was complete: and the little shrivelled mummy lay in royal state with 90 millions of cubic feet of stone over him, built at an enormous cost of money and life, by many thousands of his oppressed subjects,—a work stretching perhaps over 30 or 40 years. Herodotus indeed tells us, that in quarrying and shaping the stones in the Arabian mountains, conveying them to the Nile, ferrying them across, dragging them up the limestone rock on which they were built, making the excavations, and finally building the pyramid, about 400,000 men were employed; gangs of 100,000 labourers succeeding each other every three months: and this went on for 30 years. Thank God, this mad senseless folly was confined to the pyramid kings alone. Egypt, servile as it was, revolted against such monstrous and useless selfishness and extravagance; and after the 12th dynasty, we hear no more of Pyramids. There is a kind of comfort in the thought, that all this cruel and merciless labour and expense to preserve a dead body from violence, decay and insult, proved to have been in vain. The pyramids were opened, the coffins rifled or dashed to pieces; and squalid filthy Arabs and Egyptian peasants wrangled over, and tore to pieces the would-be divine carcase of the grandest of the pyramid kings.

The same madness of expenditure for some colossal folly seems to cleave, like a doom, to the land. She built a mountain of stone to be the grave of a solitary tyrant, she raised temples grander and more majestic for an idol with the head of a jackal, or a cat; and we may yet live to see more money thrown into the sand and the sea to dig an impracticable and unusable canal, than would have built a pyramid. Certainly in the strange history of human folly, there is no wilder freak than this lavishing of the wealth, the ingenuity and life-blood of a great enlightened nation to build a huge tomb for a man, whom they often hated with all their hearts; and yet this madness lasted for more than 1,000 years. Let us not forget however that this great pyramid—this huge tomb of Cheops,—which has witnessed the roll of so many centuries, which precedes or is coeval, with the historical human race, stupendous though it be in folly when one thinks of the shrivelled mummy which it entombed, is, when fairly estimated as a great architectural achievement, certainly the most successful, and the most lasting of all that has ever been done by mortal hands.

But it is time to pass from the pyramids to the people that built them. What can we know of them? There is no history : for Manetho gives little more than a mere roll of names, and history if we had it, tells but little of the social and domestic life of a people. An intelligent Japanese, by a visit to Madame Tussaud's Exhibition, and a diligent study of the Illustrated News, would get a more vivid and real idea of our celebrated men and women, our dress, our houses, our sports, our inventions and discoveries, our fashions, manners and customs, than he could gather by industrious reading even from the brilliant and picturesque pages of Lord Macaulay. Would it not be interesting in the extreme, if we could get such a glimpse into Egyptian life and manners thousands of years ago? Would it not be a thing unheard of, almost miraculous, all but impossible? and yet in sober truth and reality, we can do as much as this, perhaps more. We have coloured pictures in profusion drawn by the hands of these Egyptians, who died 4,000 years ago, representing their dress, feasts, processions, amusements, chariots, fights, cooking, sowing, weaving, boat-building, just such things in short as are pictured in the Illustrated News, as fresh as if they had been done yesterday. Besides we have the very clothes they wore, their jewels, earrings, bracelets, their vases and pottery, their wooden vessels, nay the very paper on which they wrote, with the letters and words still legible, in perfect and beautiful preservation. Even seeds and vegetable productions survive, with the latent life still in them : grains of corn found in tombs of the time of the Pharohs not many years ago were planted in England, and produced excellent and nutritious wheat. It is known to agriculturists, as the '*mummy wheat*,' and (more even than this) instead of wax-work figures or marble statues, we have the very men and women, who lived and walked about in Thebes and Memphis more than 3,000 years ago, by hundreds of thousands, with their bodies still in many cases so wondrously preserved, that their features are some times distinct, and might still be recognized by friend or relative, if such were living. We believe that the mummy of Jacob is still to be found in the vaults under the mosque of Hebron ; and, even supposing in that more unfavourable climate, that the body of the patriarch may have crumbled into dust, if the Mahometan fanatics allowed us to enter the vaults, we should find there his coffin certainly, and on it perhaps the name of the king, under whom Joseph served, and thus solve one of the knottiest problems of history. This was also the belief of Bunsen. It is startling to touch the hand, and look into the face, through which living blood circled thousands

of years ago: and, if the dry and dusky lips could speak, or if the withered hands could write down the man's thoughts we might come to know like Moses of old 'all the wisdom of the Egyptians.'

Now as if to fulfil our wish, the pictures, the tombs, the walls of the temples, the palace halls, the obelisks and statues are covered with strange characters, evidently inscriptions, but with men, birds, animals, weapons, houses, etc., instead of letters—literally, a pictorial alphabet. Here then was the writing on the wall: a key not to the future indeed but to the past of Egypt: but the key was lost, and there was no interpreter. For the last eighteen centuries, the hieroglyphics baffled every effort to discover their meaning, and were in every sense of the expression, 'an unknown tongue.' Even if discovered, who was there to understand it, who was likely to be versed in language of the old Pharaohs? It is most interesting to know how at last, and quite lately, we have succeeded in reading and understanding these mysterious characters. For a long time it was the prevailing opinion that the hieroglyphical characters, being all more or less pictures, represented words, or ideas; and so perhaps they did at first. As if for instance, as in children's puzzles, you were to make first a picture of an eye, then of a saw, and last of all, of a yew tree, and read it aloud 'I saw you.' Some people thought that this was laterally the way to read the hieroglyphics. It was not so: but it turns out to be true that the hieroglyphics had a connection with the objects they represented. We owe the discovery of the art of reading these hieroglyphics, the sacred writing of the Egyptians, chiefly to the ingenuity of Champolion, a celebrated Frenchman. In 1798, a black granite stone was found at Rosetta with an inscription in Greek, hieroglyphic, and the demotic, or current characters of the country. Afterwards a small obelisk was brought by Mr. Banks from the extreme south of Egypt with an inscription in Greek and also in hieroglyphics. The Greek was found to be, in the first, a decree relating to one of the Ptolemies; in the second, a decree relating to another Ptolemy and his wife Cleopatra. These every Greek scholar could read and understand. But the Greek was evidently a translation of the hieroglyphic, and so was the demotic. Now in the first hieroglyphical inscription, in a place corresponding to the word Ptolemy, or rather Ptolemaios in the Greek, there was a ring, with certain characters, or pictures inside: in the second, and at the place corresponding to the words Ptolemaios and Cleopatra in the Greek, there were two rings, with characters inside; and the first of these was the same as the ring in the

other inscription. There could be little doubt then, that this was the hieroglyphical expression for the word Ptolemaios. The happy idea then occurred to Champollion, that the signs within the rings, were simply letters, alphabetical letters. Taking then the two rings (it was afterwards found that a ring round a name signifies it to be the name of a king or a queen) to represent the names Ptolemaios and Cleopatra, he observed the picture of a square block or package holding the first place in the first ring, and the fifth in the second; but P is the first letter of Ptolemaios and the 5th of Cleopatra. Again the 3rd picture in the first ring is a knotted cord; so is the 4th picture in the 2nd, but O is the 3rd letter in Ptolemaios and the 4th in Cleopatra. In like manner, the fourth picture in the first ring was a lion, so was the 2nd picture in the 2nd ring: but L is the 4th letter of Ptolemaios and the 2nd of Cleopatra: the square block, the knotted cord, and the lion represent P, O and L. Once more the 6th and 9th pictures in the 2nd ring were each a sparrow hawk; but A is the 6th and 9th letter in Cleopatra: the sparrow hawk denotes A. In this way the beginning of a Hieroglyphic alphabet was formed; and, as other similar inscriptions were discovered, it extended rapidly; and we were able to express hieroglyphics in letters of the English alphabet. This was a great step gained. The next followed at once; but was still more surprising.

Among the various races who now inhabit Egypt, there is one distinct from all the others, and numbering about 150,000 souls. They are called Copts, and, though more or less mixed with other races, they are the undoubted descendants of the ancient Egyptians. Their language, now little used but well known, is called Coptic. They now for the most part speak Arabic. Now it was found, when the hieroglyphic letters were written in English letters, that the words formed were in the main Coptic, with a slight admixture from the Hebrew and other tongues; and that the language of the ancient Pharaohs did not differ so much from the language of their modern descendants, as ours does from that of Alfred the Great. With this key, learned men, who knew Coptic, have learned to read the hieroglyphics. They have now an alphabet, grammar, and dictionary; and any person may learn to read the mysterious language on the monuments of Egypt, as easily as Greek, or Latin. Thus we have learned much, and we hope to learn more that will be most valuable and interesting to the antiquary and the historian; but that is a field on which we cannot now enter. The language, though in the main Semitic, has a considerable mixture of Arian, or Indo-Germanic roots. It would be a great step in the world's history, could it be

decided, whether the Arian is the original substratum, or an after introduction, like Latin into the English tongue. The admixture, even as a simple fact, is not without grave significance. We trust however that we have succeeded in explaining the way in which we have learned to read and understand what the men of Egypt, these very mummies, that one may touch and look upon, wrote 3000 or 4000 years ago.

Let us now turn to the tombs; for they are the old Egyptian Illustrated News. And first those of Egypt itself. Imagine an elevated limestone plain, from 150 to 500 feet above the sea level. Imagine a great wide rent in this rock, running North and South for full 1200 miles. The East side forms the Arab hills: the west, the Libyan. The valley between, now wide, now narrow is Egypt. In the bottom of this valley, resting on the bare limestone rock, is a bed of sand and pebbles, once the bottom of the sea in some unknown far away time. Now the Nile runs down it, carrying in its tide, and depositing on the sands below, a never ceasing volume of rich black mud. That mud is Egypt. It is still rising higher and higher, spreading out farther and farther into the sea, silting up the old harbour, and setting towards the mouth of the projected canal, with a slow, resistless, solid, onward drift which even the genius of a Stephenson feared to encounter. As high as the highest inundation reaches, that black mud covers the sand, and just so far extends the green strip of luxuriant vegetation, which made Egypt the granary of the world. All beyond the mud is sand, through which on both sides rises the bare limestone rock. The successive appearances of the country each year cannot be more vividly or more pictorially described than by Amrou the Arab conqueror of Egypt in a letter to the Caliph Omar:—‘Paint to thyself’ writes he, ‘O Prince of the faithful, a country which assumes by turns the aspect of a dusty desert, of a liquid and silvery lake, of a black muddy marsh, of a green and undulating prairie, of a garden filled with flowers, and of a long furrow covered with yellow corn’.

Egypt then may be looked upon as a long narrow trough between two bare walls of rock, with a dry sandy bottom. To the East and to the West extend the great sandy deserts of Arabia and Africa; and its Southern boundary is the Northern limit of the tropical rains. So very little rain falls on the North of this boundary, that it is not counted upon at all for any useful purpose. The very sand is impregnated with salt, nitre, alum and natron: so that Egypt is emphatically the driest country in the world. The Sun’s rays, blazing down into this dry sandy trough, and reflected from the bare arid rocks turn it into a huge natural

oven, where baking and drying have been going on, for thousands and thousands of years. This is how everything is so well preserved in Egypt. If you bury the body of a man, or an animal in the sand, it does not decay, but dries and hardens. Probably this was the real origin of the mummies. The dead may first have been buried in the sand, beyond the limit of vegetation between the Nile mud and the hills: but there they were liable to be disturbed by the wolf, and the jackal; and the obvious remedy was to cut tombs in the rock, where they would be secure, and to imitate artificially the preserving quality of the sand; and they succeeded. But it is not only mummies that are preserved. 'From the granite of Syene (says the author of Israel in Egypt) down to the coat of Nile mud, stuccoed and inscribed with hieroglyphics in colours, nothing appears to have undergone any change from atmospheric causes, since the day it was finished. Bread, fruit, flowers, bakemeats, corn, seeds, linen in quantities incredible, wooden figures of the most delicate execution are found in the tombs, as little changed by the 4000 years they have lain there, as the gems in the metal rings that accompany them.'

The Hindus burn, and the English bury their dead: the Egyptians turned them into mummies. Every town and district, had its temple and cemetery; and its establishment for making mummies. The body was given to the priests, and by them it was disembowelled, and the brain extracted: it was then steeped in natron, filled with spices, rolled in many folds of spiced linen, and restored to the friends after 70 days to be carried across the river in a boat, or a procession of boats, filled with real and hired mourners, and then laid in the tomb. There were cheaper modes for embalming the poor; and, whether from religion, or custom, there is reason to believe that for perhaps 3,000 years every dead body in Egypt was mummified. It is startling to think of the immense quantities of spices that must have constantly been used in embalming; and one cannot help remembering that the Ishmaelites, to whom Joseph was sold, were going down to Egypt with camel loads of spices, and myrrh and balm. Now, allowing three generations to a century, and giving ancient Egypt a population of only three millions, we are driven to the astounding conclusion, that room must have been found in the tombs and mummy pits, for more than 270,000,000 of dead and mummified Egyptians,—every man, woman and child of them still in the body,—the same body that walked about in Egypt thousands of years ago. But where could room be found, for such incredible multitudes? for the underground tombs of Egypt were on an equally vast scale with

the pyramids. One Egyptian noble, alone, had a tomb cut out of the rock with rooms and galleries for himself and his descendants that spread over more than an English acre. The answer to this is that the Cemetery of Memphis alone is 22 miles long, and half a mile broad, the rock for all that distance being a perfect bee-hive of cells, all swarming with mummies. On the walls of all these tombs and of all the temples, on every pillar, obelisk and statue, every square foot is covered with inscriptions and pictures, fresh and clear (in most cases) to this day. There you find family genealogies, and scenes from every day life; study, sport, feasts, wars, sacrifices; every art and trade, monarchs, priests, warriors, agriculturists, captives, slaves, men with fair hair and blue eyes, men with the Hindu features and complexion, and the black thick-lipped, woolly-haired negro: wild and tame animals, birds, beasts and fishes; you find all in these illustrated Encyclopædias of ancient Egypt. But the tombs are not only picture galleries and Encyclopædias: they are museums as well, containing numerous curious and interesting remains of the times of the Pharaohs, weapons and utensils, tables, inkstands, vases, pens, papyrus rolls quite readable, incense and smelling bottles, gems, gold ornaments, wheat, peas, beans and barley, which still have life in them, are found in profusion. Sir Gardner Wilkinson's '*Domestic Life of the Ancient Egyptians*' contains several hundred pictures, copied from the tombs, and describes and explains them with much truth and liveliness. We find that the Egyptians were a slightly built and rather small people. Few of the mummies exceed 5 feet and a half in height. They were on the whole a pleasant, mild looking race, not unlike the Hindus, and probably of much the same colour and complexion. The mummies are much blacker: but that is the effect of the bitumen; and their conventional colour on the monuments makes them of a darker, redder brown than they really were. They had small delicately formed hands and feet; and even in the stiff, formal art of the monuments there is evidence of considerable personal beauty. They were divided into (some say) seven great classes; but they had nothing, like caste; for the different classes intermarried freely; and it will be remembered that Joseph married the daughter of Potipherah, priest of On, apparently a high dignitary.

There is no doubt that they came into Egypt across the Isthmus of Suez, from the hills of the Caucasus, or the plains of Babylon; for the great temple of Belus or rather of the seven planets, the earliest (so far as we know) of the Babylonian buildings, so lately re-discovered and restored with such marvellous

truth and certainly by Sir Henry Rawlinson, was all but a pyramid, or pyramidal temple, in seven huge steps. They were neither poetical, nor imaginative; and their art, grand and imposing chiefly from its colossal scale, was untrue to nature; and for the most part designedly untrue. We have written of the prodigious size of their pyramids and rock tombs. Their temples were on the same scale of grandeur. They awed and imposed by their vast size and proportions.

A long straight avenue with a colossal row of Sphinxes, or lions with a woman's head, led up to a grand doorway. This again led into a vast open court, with shady porticos, avenues of trees and an immense tank or reservoir in the centre. Beyond and still going onward one came to a majestic archway with obelisks on each side, and thus entered a magnificent regal hall, its roof supported on innumerable pillars, beautifully and richly decorated throughout for those great festal, religious assemblies where the King himself presided. Beyond this still another court, opens in the centre, with the priests' dwellings and offices on three sides, and last and beyond all, rose another massy gateway with pillars, statues and obelisks, opening the way to the shrine, or temple, for the images of the three gods. The whole perhaps spread over a quarter of a mile at least, and the effect, even now, when nothing but ruins remain, is profound, impressive, even awful. The very statues were 120 feet high, and the Royal palaces were of a corresponding gigantic bulk and grandeur, but ordinary dwelling houses differed little from our own. They were of two or even three stories, with windows looking to the street; and often with beautifully laid out gardens with artificial fountains and tanks, and the walks were carefully watered every day. They seem indeed to have had quite a passion for flowers, and bouquets were presented to the guests at every banquet.

There is one picture, which particularly attracts attention, and we shall gather round it a brief notice of their domestic life. A gentleman has driven up to a friend's house in his chariot. His attendant is knocking at the door. Through an open window above we see the other guests already assembled and seated round the table, gentlemen and ladies side by side as with ourselves. Some sit in arm chairs of ebony inlaid with ivory, others on couches of beautiful pattern and design. On a side table behind you see gold and silver and alabastrine vases of graceful shape, and exquisite workmanship. Wine is cooling in porous vessels. The band is in waiting ready to strike up. The ladies are elegantly dressed, and the whole scene looks so thoroughly modern, that,

but for the eastern robes and odd looking wigs, which cover the head, you might take it for a dinner party in the year of grace 1860. But that dinner was eaten 4000 years ago. It would not be difficult to write down the bill of fare, and even to offer you food, that was actually put upon a table, or at least cooked, and made ready, when a Pharaoh sat upon the throne. The favorite dinner dishes were fish, beef, and goose. They had venison also, and the flesh of the wild goat and the antelope; game in abundance, partridges, grouse, quails, wild ducks, teal &c. These were roasted, boiled, stewed, grilled, pounded or minced and served up, with a profusion of vegetables dressed in various ways. One cannot but remember how the Israelites lusted for the flesh pots and the leeks and onions of Egypt. The kitchen is a favorite picture in the tombs. One sees the head cook in all his glory, and the servants cooking, dishing, and carrying up the dishes, every one of which may usually be recognized. Bread of wheat, rolls and fancy cakes were within every one's reach.

The fashionable dinner hour was noon. So we find in the Bible that Joseph's brethren dined with him at noon. The custom in great houses was to bring a beautiful bason to wash the guest's feet on his arrival, if he had come on foot: a fresh gathered bouquet was then presented to him, and renewed several times during the feast. They had seven or eight kinds of wine, all made in Egypt; and beer, or something very like it, for the poorer classes.

The master and mistress sat at one end of the table in a double chair. Attendants fanned the guests with feather fans. The band usually was composed of a harp, lyre, and guitar, a double pipe and a tambourine. They had drums and flutes also; and the music was accompanied with songs and clapping of the hands. In the drawing room, both before and after dinner, games were exhibited. Dancing was a favourite exhibition; but they did not dance themselves; they had dancing girls and male dancers, more like the modern opera dancers, than the dancing girls of the East; and their attitudes and pirouettes are immortalized on the walls of the sepulchres. Tumblers and jugglers were also introduced; and it must be allowed that the host did all he could for the entertainment of his guests.

In these tombs we may see pictures of people very like the modern Jews, making bricks, and their Egyptian task-masters standing over them. Here too we may see the Egyptians engaged in all their usual occupations, fishing, hunting, harpooning the hippotamus or the crocodile with the line all ready to pay out; and here we may see them sowing, reaping, ploughing, rearing cattle,

petting lap dogs, worshipping cats,—potters, glass blowers, gold-workers, diggers, weavers, mat-makers, cabinet makers, carpenters, boat-builders, chariot-makers, leather-cutters, sculptors, painters, public scribes,—their funeral rites, the ritual of the dead, their idols, their campaigns, courts of justice, foreign visitors and captives. Such then is the evidence to which we must appeal in any investigation into the questions and theories discussed in Bunsen's volumes; evidence which has been preserved to our day on the monuments, and on the temple walls, in tablets, and on papyrus rolls, names, dates, wars, and genealogies are found in profusion, and, now that the hieroglyphics can be to a great extent correctly interpreted, they tell their own story, and have become the common property of educated men.. To compare with them we have the Bible, Manetho, Herodotus, Josephus, and the cunei-form inscriptions and records of Assyria.

On this comparison we shall enter, under Baron Bunsen's guidance, in a second paper.

- ART. VI.—1. *Land Revenue of British India.* By F. H. Robinson.
2. *Report on the Revision of Civil Salaries and Establishments.* By Mr. Ricketts.

WE have often heard it remarked that the intense heat of India must make it unbearable as a home for Englishmen ; and that no European can reside in any Indian station long, without experiencing that general breaking down of the constitution which can only be remedied by a visit to the hills or to England. This opinion is often supported by the broad assumption that though there may be very striking differences in the cold, there is very little difference in the heat throughout the Indian Peninsula, and that the sun is as powerful at 32° North as it is at 12° :—equally intense in Agra or Mooltan as it is in Ceylon or the Carnatic. This opinion admits of very extensive modification in its application to special localities, and will be found when applied to the Saugor and Nerbudda territories not to be strictly true.

Occupying a favorable position in the great central elevations of the peninsula, the Saugor and Nerbudda territories enjoy a climate which when compared with the climate of Banda or Cawnpore is as different as the climate of the Neilgherry Hills is from that of Madras. The following figures, the result of thermometric observations taken four times a day by Captain Pearson, will indicate the average temperature of these districts.

1860.—November,	62.5°
December,	58.8°
1861.—January,	55.0°
February,	62.3°
March,	73.8°
April,	86.2°

The temperature of these districts will be found to be far more endurable than the fierce heats of the Nagpore districts, and the unbearable warmth of the climate of the North West provinces. It is hazardous to base any general conclusions on imperfect data, still there is one test which from the unerringness of its results may be taken as a pretty fair criterion of the difference of temperature of different places. The temperature of the earth's crust, affected as it is by the heat of the sun, may be taken under some reservations as a correct indication of climate in the absence of any regular series of thermometric observations. The report of the magnetic survey of India gives us the following results :—

The temperature of the ground at 6½ feet below the surface in Agra, Jubbulpore, and Nagpore is thus represented by Mr. Schlagintweit's figures.

Agra, from February to March,	} 1856	74°
Jubbulpore in December,		72°
Nagpore in December,		84°

Indeed the climate has not unaptly been described to be one of the finest, if we except that of the hill stations, in central India or the Deccan.

These territories are equally attractive from their rich and diversified scenery. Extensive ranges of hills stand out in high relief; sinking by gentle gradients into the plains; mountain streams fringed with trees of the greenest foliage add to the beauty of the scene. Two parallel ranges of hills running through the entire length of the district form the limits of the Nerbudda basin. To the North the Vindhyan groups composed of the Kymore and Bundair ranges form the southern limits of Bundelkhund. To the South the Satpooras, extending from the Mahadeo to the Lanji hills, separate the Nerbudda valley from the Nagpore province. Between these two parallel ranges are intermediate spurs or detached and isolated hills presenting striking physical contours and abutting on the plains at a greater or less distance from the streams. That in a country presenting such marked physical features there should be much varied scenery is not surprising, but that it should at the same time in spite of much rugged and uncultivated land have a soil richer and more productive than the soil of any other part of India adds much to the intrinsic value of these acquisitions.

The soil is varied in character. Black cotton land, clay, and laterite alternate. The sandstone ranges and basaltic formations have for their distinguishing type the black cotton; the red laterite with its superficial accumulations of calcareous grits and iron nodules, is found wherever iron abounds; and the hard clay with its subsoil of boulders is found generally associated with rocks of gniess, granite, and mica. The black cotton will be found in many districts the principal soil; composed as it is of the detritus of basalt, it will be found chiefly in the locality of trappean rocks, and it is precisely in such localities that the soil will be found to be most fertile and productive alike of trees and vegetation. While these territories have thus within them the elements of much agricultural prosperity, they have also the sources of much commercial and manufacturing wealth. Coal is found at Mowpanil, at Nursingpore, in the Baitool district, on the banks of the Sakur and Towah Nuddees, and at Lemata

Ghat. Nodular iron ore is found among the carboniferous rocks of the Nerbudda valley. From Piperode to Nagode, and stretching far beyond Nagode over the low sandstone table-lands of the Bundair, the soil is a light red from the peroxide of iron that it contains. Iron is often found in the vicinity of coal. Already has the native iron been applied to works of public utility, the iron suspension bridge in the Saugor district is made of native iron. Where rains are so continuous and where the soil is so prolific, rank and impervious jungle is sure to extend over wide tracts. In these will be found many trees of economical value, furnishing solid and durable timber for railway purposes, and plants which will be found eminently useful in affording the best of Indian dyes, and the finest of Indian gums and resins. In a country reticulated by so many mountain streams, and abounding with so many and so diversified rock formations, there will be found many extensive quarries of marble and many kinds of stone, such as chalcedonies and jaspers which the native, skilful particularly where mere mechanical or manual labor is concerned, knows to work well. Possessing a genial climate it will be eminently calculated for European settlers, and free from the fierce heats, the destructive damps, the impalpable dust, and the vicissitudes of climate of the North-west, it will not prove destructive to delicate machinery. Its back soil is favorable for the growth of cotton at least of some sorts. Its natural facilities for artificial irrigation by means of canals, revetments and water works, might with a very small expenditure be made to quadruple its revenue.

In some districts as in Mundla and towards Sohagpore, extensive tracts are covered with high green grass; the rotation of crops is known; the crops are so abundant that grain is twice as cheap here as in the north-western provinces and Berar. In spite of capabilities so large and physical resources so many, these territories have never yielded a large revenue. From the time that they first came into our possession,* when under the rule of the Marquis of Hastings, that long and arduous struggle with the light armed Pindarees, the Pandours and Cossacks of central India, was brought to a close, to the present day, when the last embers of the revolt of 1857 have been entirely crushed out, these territories have not regained their former prosperity.

* The acquisition of these territories may be reckoned from the 11th March, 1818. On the 13th June 1817, Saugor and the adjoining states had been made over to the English, by Bajee Rao Peishwa. See Campbell's *Modern India*, p. 129.

Amongst the deep glades and wild forests of Mundla, traces of a city larger than the present town of Jubbulpore still attest the prosperity of a former rule. Traces of dilapidated walls and ruined fortifications amongst the recesses of inaccessible hills in the Baitool and Seonee districts tend much to prove that, however uncultivated those districts are now, they were not always so.

The reports of the political officers and the letters of Sir Herbert Maddock bear ample testimony to the former wealth of these provinces; many years later, when a committee of the Houses of Parliament met to pass the last East India Act, Mr. Francis Horsely Robinson while ridiculing with much clumsy satire the enthusiastic reports of those officers, evinced quite as strong a belief in the great and varied physical resources of these districts, as the most sanguine Civilian. He bears ample testimony to the fact of their former prosperity, and to their pauperism at the time when they became ours.

He thus writes.—‘The territory had been the seat of the war, and had been much ravaged and plundered by the Pindarees. The bulk of the inhabitants having gone into exile, had left their land waste; and our acquisition at first presented the aspect of uncultivated fields and empty villages. But as soon as a regular Government was established, the officers of that day, though not generally less prosaic than the general run of Government servants, may be observed to use language made lyrical by the subject, in describing the return from different countries of the expatriated village populations headed by their patriarchs; the re-raising of the fallen roof-trees, the re-consecration with songs and feasts of the profaned village temple, the solemn distribution of the ancestral lands among the descendants, in many cases, of the original emigrants; the ceremonious driving of the disused plough into the soil, long fallow, and the apparently miraculous restoration of population and tillage.’

It would be interesting to enquire how much real prosperity had accrued to these districts during the period of our rule. It would certainly not be an uninteresting task to sketch in outline the peculiarities of the revenue system; the nature of the revenue assessments, and the features of its judicial administration. Those who have read the four circulars of the Board of Revenue published by them many years ago, will have formed an accurate idea of the revenue system of the North Western Provinces; the nature of the different tenures, the principles of the assessment, the rights of the different classes, and the features of the survey, and the record of those rights. For those who have not read them, a few remarks may perhaps not be out of place.

The land must ever be the source of its greatest wealth to India. It becomes therefore an object of especial interest to study the nature of the rights which are connected with the land. Those rights will generally resolve themselves into two ; the right of the occupier to cultivate the land subject to the landlord's rent, and the right of the landlord to appropriate that rent subject to the deductions of a fixed assessment. There are three recognized tenures in India ; the Zemindaree, the Putteedaree, and the Ryotwaree. While in Madras and Bombay the Ryotwaree prevails ; in the North Western Provinces and in the Saugor and Nerbudda territories the Zemindaree and Putteedaree tenures exist co-extensively. It follows therefore that in Madras and Bombay the occupier is the owner, and his right is paramount. In the Saugor and Nerbudda territories on the other hand the rights of the occupier are respected simply from the scarcity of labor, but legally there exists a superior right which demands our consideration. That is the right of Zemindars, Malgoozars or Potails. In the North, in the wild and rugged country which borders on Bundelkhand, there have always been a few hereditary families, the head men of the communities who have always been recognized as potails, with whom the earliest settlements were made and who were generally responsible for the punctual payment of the government revenue. These men are mostly of the Gond or Rajput races. Their rights, acknowledged by the communities around them, are strictly hereditary. Owing to their isolation of position and freedom from the Mahomedan vice of polygamy, the potail tenancy has never given place to the ryotwaree tenures. Under the Mahomedan law, inheritances whether of moveable or immoveable property, have always a tendency to break up into subdivisions. The children of one mother have as much right to inherit property as the children of another. It is not therefore surprising that in the south among the fertile plains and populous towns of the Nerbudda basin, where there is a greater infusion of Mahomedan blood, and a greater approximation to Mahomedan ideas, there should be a tendency to the putteedaree tenure. Two forms of tenure were thus found to exist together ; and in the early settlements, while in the potail villages engagements were taken with the potails, and in putteedaree villages with the person selected by the brotherhood, recognition of individual proprietary rights was carefully avoided.

In the Saugor and Nerbudda territories land was not brought to sale for revenue default. This and the lightness of the first settlement did much towards the restoration of the former prosperity of these provinces. That settlement though highly

beneficial from its lightness was at the best a rough one. Those who are acquainted with the different processes which constitute a settlement, now, will at once see how imperfect the first attempts towards the settlement of these provinces had been. No identification of the land was made; no preliminary measurements were undertaken. As no rights had been acknowledged, there was no adjustment or record of rights, either of the proprietors or of the cultivators. Only two of the processes which constitute a settlement now, had thus been made; an adjustment of the rents to be paid, and a disposal of claims to hold rent free land. It is not surprising then that that settlement should have called forth the animadversions of Mr. Thomason in 1847, or that ten years had not elapsed before another settlement was ordered. It was suggested that an accurate survey should be commenced; a minute record of rights made, every necessary information on the resources, and statistics of the country supplied.

To carry out these designs it was necessary to appoint officers for the settlement and survey duties of those territories. In accordance with these views, to each district a Deputy Collector was appointed. The selection was not perhaps made judiciously. The men were with scarcely any exception, natives, who had been employed as sheristadars in the Commissioner's office at Jubbulpore. There is too great a tendency generally to give appointments to natives, whose only claims to them are based on their having been for some time in the great man's kutcherry. Where this is generally done, as it has been in the Saugor and Nerbudda territories, efficiency can not be the result; nor can the administration be satisfactory. From the specialities of some departments much harm may result. It is so with the Department of Surveys. A few figures will illustrate our meaning. We have not at present the data by which we can arrive at the average of the rate per square mile on the entire area surveyed in these provinces, but that expenditure cannot be less costly than the sums which have been expended on the surveys in Bengal. How large that expenditure was the following table will indicate.

Year.	Area Surveyed.	Total cost.	Rate per Sq. Mile.
	Square Miles.	Rupees.	Rupees.
1850-51.	3,565	316,164	90
1851-52.	3,826	370,254	96
1852-53.	4,246	385,889	91

These sums will serve to indicate roughly the cost of the Surveys in these provinces. If we are not very much mistaken, the expenditure will not be less; yet with the distribution and employment of sums so large, a native who had perhaps a few years before been a Mohurrir on Rs. 15 per mensem is entrusted. It is evident that the object of the Survey, which is to produce a permanent record indicating the most detailed specification of landed property must fail to be realized.

The survey of these provinces has not yet been completed. In Saugor and Jubbulpore where the areas to be surveyed are not much more than 4,000 square miles, and where survey operations had commenced more than ten or twelve years ago, the survey is very nearly brought to a close. In Baitool which embraces an area of more than 3,000 square miles, and where with the exception of about 300 villages, surveyed before the mutinies, survey operations had scarcely commenced before July 1859, the actual survey operations have been brought to a close; a rough, approximate topographical map compiled, and the settlement has been commenced. This difference in results may perhaps be ascribed to the difference in the superintendence of the surveys in those districts. Natives have always been in the executive charge of the surveys of the former districts. In Baitool an officer of the Revenue Survey was appointed in 1859.

Contemporaneously with the Khusra surveys, two other surveys, the Revenue and the Geological, labored in these provinces. A series of the Great Trigonometrical Survey had traversed these districts nearly thirty years before, and had fixed their stations on the most prominent peaks and ranges of the Nerbudda country, and their data were taken as a basis for the commencement of the Revenue Survey operations. Owing to the mutinies in 1857 Survey operations had to be suspended, and the two Surveys were transferred to the province of Nagpore. One of these surveys, under Lieutenant Oakes has since been re-transferred to Jubbulpore. There is in the workings of this Survey department, much to commend. Accuracy in facts and statistics, correctness in surveying, artistic skill in manipulation, rapidity in the execution of the work, and cheapness in its production, are amongst its most noticeable features. That these should be among the results, follows necessarily from the system which was adopted. The survey is principally made by the theodolite; that instrument is used in the survey of the main circuit, and of village circuits; the interior details of each village with its topographical features are filled in by means of the plane table or the prismatic compass. The work is entirely the result of European superintendence.

The main circuits are surveyed by European assistants, the areas calculated, the maps projected, the bearings laid down, and the trigonometrical checks applied by them. There is in the department, very justly, a conviction of the general inaccuracy of native work, and no native is allowed to do any higher work than that of the mere Ameen. Complaints of inaccuracy are also made of natives in other departments as well.

While the Revenue Survey has been useful in producing statistics and in making maps, the Geological Survey has not been less useful in directing public attention to the metallic and mineralogical wealth of these territories. There are indeed few sections of India which are more interesting in a lithological point of view. To the geologist the Nerbudda basin must always form an interesting study. Among the Vindhyan ranges and their associated rocks, there is much to repay scientific research. That there are coal-bearing strata, even Mr. Oldham will allow. That iron is to be found in the vicinity none who have traversed this country will doubt. The vicinity of the coal to the iron must make this section of India, when the Railways are open, as valuable as the sections in the vicinity of the Rhotas hills, the Raneegunge fields, and the Soane river. Separated from the Nagpore country by the Mahadeo hills, it is as different in general physical features from that district, as it is in its orographical and lithological features. To this day no identity has yet been discovered between the rocks of the Nerbudda basin, and those which form the principal ranges of the Nagpore district. There are still wanting links to identify them with the Raneegunge series, with the Panchet, Damuda or Talchir groups. In speaking of these series we retain the nomenclature of the Geological Survey. The problem which that Survey proposes to itself is to indentify the rocks of India with those rocks in Europe which have been grouped into series by European geologists. Isolated as this Survey is at present from the others and few as are the assistants which constitute its staff, the discovery of each fresh fossil remain must add to their knowledge by furnishing fresh links to the chain of discoveries already made, and will help to fill up those gaps which even in India so widely separate one rock series from another.

The principal ranges in the Saugor and Nerbudda territories are the Mahadeo hills, and the Kymore and Bundair ranges; between the Mahadeo and Kymore ranges are the plutonic and crystalline rocks to which Mr. Medlicott applies the name of Sub-Kymore. Of the Mahadeo group nothing is as yet known. These hills form the northern base of the Nagpore territories, and far beyond the present limits of the Nagpore territory stretch

between the inaccessible country between Baitool and Chinwarra to the Nerbudda river, where amongst its wild recesses that hill marauder Bhuboot Singh recently took shelter.

They extend in a direction from north to south between the parallels of 21° and 22° north latitude, presenting a bold and well defined outline. Between Chindwarra and Mooltye they attain a height of more than four thousand feet. Amongst their wild gorges, and deep glens, among their precipitous waterfalls and abrupt sides, steep acclivities and numerous fissures, much wild and picturesque scenery is to be found. The principal rock strata of this range are composed of sandstone shales. The sandstone is often seen striped with dark ferruginous bands, which give it an appearance not unlike that of the Kymore sandstone in the vicinity of Jukehi, or the sandstone in the Nagpore District. From the very few fossil remains that have yet been discovered, it has been impossible to fix the age of these hills.

Only a few vegetable fossil stems have as yet been discovered. There are few or no traces of any molluscs or crustaceæ. Like the Kymore, it has been usual to ascribe these rocks to the era of the formation of the new red sandstone. From the fossil indications that we have, that era appears to be too ancient; the upper sandstone which forms the mass of the Mahadeo hills, and of so many others of less elevation appears to be more recent. While the plant beds underlying are decidedly not more recent than jurassic, and are probably a transition between the lias and jura transitions; the coarse arenaceous beds themselves that are frequently characterized by the ferruginous bands already mentioned, are to be classed among the upper members of the cretaceous series. There is some doubt as to the true position of some of the shales that are ranked as under the plant beds. Between the Mahadeo sandstone ranges and the Kymore and Bundair hills are to be seen the granitic and schistose hills of the Nerbudda basin. The peculiarity in the position of these rocks has always struck us as noticeable. Still it is not alone in the Nerbudda basin that the granitic, crystalline and schistose rocks are found between outlying ranges of sandstone and limestone. This peculiarity is also seen in the Nagpore districts. It adds another illustration to M. Pallas' theory. While examining the mountain chains of Siberia he laid it down as a general rule, that in the formation of mountain chains, granitic associated with schistose rocks will be found in the centre, while outlying them will be seen the great sandstone or limestone ranges. It is thus in the Saugor and Nerbudda country. To these ranges Mr. Medlicott gives the name of Sub-Kymore, and supposes that they may be a continuation downward of the

Vindhyan group subsequently altered. These rocks are metamorphic. They consist principally of pseudo gneiss, micaceous and quartzose schists, and limestone; intrusions of granite are frequently seen.

The transition from these to the red sandstone of the Kymore and Bundair hills is easy. Few chains are more interesting in a lithological point of view. They extend in a continuous direction throughout the Saugor territories, forming the Northern face of the Vindhyan ranges; they stretch into Bundelkhand, and far beyond Bundelkhand into Behar, where they abut in well defined outline not far from the Ganges. Two parallel and well defined ranges constitute this group. While the Bundair ranges present a succession of plateaux with a continuous and well marked scarp, the Kymore hills present a series of anticlinal ranges at places rising to a height of more than three thousand feet, and at others scarcely rising above the level of the fields. These hills form a cul de sac with the Bundair table land. In the Jubbulpore district they may be seen extending on the North bank of the Heron, from Heerapoor to Amerkho. Further North they stretch in the same continuous direction through Purgunnas Bouribun, Belheree and Jukehi. They are separated from the Baurer by deep intervening strata. At the base of this line of hills are the ancient villages of Gondwana. Amongst the wild recesses, traces of ruined buildings and temples like those at Belheree may still be seen; near Heerapoor there are many such. At Ummurgurh ruined and dilapidated walls are covered with trees, whose age could scarcely be less than a hundred years. Far from the present haunts of men, it is amongst these last traces of a former dynasty that the hyæna makes his lair, or to use Bishop Heber's words, that the jackall's cry is heard making a sylvan revelry. It is amongst such ranges as these, that those deep gorges, and bold precipices are seen so full of wild grandeur.

In mineralogical character these hills are principally sandstone. Oolitic limestone and shales are also met with. We have not before us at present a list of the fossils yet discovered peculiar to these ranges. It would in the absence of such data be hazardous to refer them to any known era, still it is more than probable that they are older than the Mahadeo. Captain Franklin referred them to the age of the middle portion of the new red sandstone; Dr. Carter identifying them with the coal-bearing rocks of Bengal ascribed them to the oolitic or to the jurassic periods; Captain Sherwill who had not had an opportunity of making any personal observations, referred them to the old red

sandstone; while Mr. Oldham who should speak *ex cathedrâ*, describes them as belonging to the upper carboniferous or newer coal measures, and partaking in their nature of the Damudas.

Still until further discoveries have been made; until fresh links have been added; and until more certain fossil indications have been found, no reasoning from mere analogy will enable us definitively to fix their era. When their age has once been definitively fixed, there will be a greater simplicity in the classification of our Indian rocks, a classification which as has been suggested would appear in the following order.

1. Mahadeos with sub-group of Lemata beds.
2. Rajmehals.
3. Upper Damudas of Jubbulpore and Central India.
4. Lower Damudas.
5. Talchirs.*

The Saugor and Nerbudda territories at present embrace the districts of Jubbulpore, Saugor, Dumoh, Mundla, Seonee, Baitool, Nursingpore, and Hoshungabad. In the absence of surveys

* Mr. Blandford's Synopsis of the Damuda, Talchir, and Panchet, gives the following results.

Names.	Description of beds.	Fossils.	Thickness in feet.
I. Upper Panchet, ...	Coarse Sandstones and conglomerates.	Unfossiliferous.	500
II. Panchet Group, ..	Coarse Sandstones; very false bedded, &c. red clays, greenish and grey shales.	Ferns distinct from Damuda forms. <i>Tæniopteris</i> , <i>Sphenopteris</i> , <i>Schizoneura</i> , Reptilian and fish remains.	1,500
III. Damuda Groups,	Coarse and fine Sandstones, mostly false bedded and felspathic, Shales, Coal seams. The latter continuous over considerable areas.	<i>Vertebraria</i> , <i>Trizygia</i> , <i>Glossopteris</i> , <i>Pelecpteris</i> , <i>Schizoneura</i> , <i>Phyllothea</i> , all plants.	5,000
b. Lower Damudas ..	Coarse conglomerates; white Sandstones; mineral coal seams of very irregular character.	<i>Glossopteris</i> , <i>Vertebraria</i> &c.	2,000
IV. Talchir Groups.	Coarse Sandstone, fine Sandstone composing undecomposed felspar.	Very rare, a few stems and seeds.	800

and other sources of accurate information, our statistics may not be as correct as we could wish, but the following figures will be found to give an approximate idea of the areas of these districts.

Districts.	Population.	Area.	Land Revenue.
Saugor,	454,390	4,000	567,558
Dumoh,	389,555	2,430	310,178
Nagode,	383,500	1,838	181,465
Jubbulpore,	300,000	4,700	648,787
Seonee,	227,070	2,884	136,255
Mundla,	225,092	6,170	37,303
Hosingabad,	361,515	5,000	343,120
Baitool,	138,278	3,421	140,003
Nursingpore,	214,205	2,003	316,842
* Total,	2,593,605	33,452	Rs. 2,681,571

With an area of more than 33,000 square miles, the land revenue of these territories does not exceed more than $2\frac{1}{2}$ millions of Rupees. The revenue for so large an area is very decidedly low. The land revenue of the North West Provinces on an area of 71,972 miles is 70 millions, that of Bengal on an area of 113,000, is 30 millions.†

The assessment in the Saugor and Nerbudda territories has not been heavy. It has been very much lower than the assessment in the N. W. Provinces, though not perhaps lower than its former assessment under the Hindoo and Mussulman periods. Indeed the general tendency under the British system is to increase the assessment. The ancient Hindoo Governments theoretically were said not to have taken more than a sixth part of the gross produce. The Hidaya under the Mahomedan declared it to be unlawful to take more than a half. Under the British system the assessment has generally been assumed to be two-thirds of the rent; in the Saugor and Nerbudda territories in very few instances is it more than half. In Hoshungabad and Baitool, where Major Ouseley assessed, the settlement though not based on any accurate or minute knowledge of the capabilities of those districts has been favorable. No test can be better

* Campbell's Modern India, Note, p. 322.

† Mr. Rickett's Report.

of the popularity of our administrative rule in the Saugor and Nerbudda territories, and of the peaceable character of the people, than the simple circumstance that, from the commencement of our rule to the present day, no coercion in the collection of the land revenues has been employed beyond the simple processes of law. In recovering arrears occasionally and at wide intervals, a few exceptional cases of tyrannical treatment on the part of some native Tahsildars may have occurred; but the instances are rare, and payments have always been made freely. This contrasts favorably with the more rigorous systems adopted in other parts of India. Compared with the ill-organized and tyrannical systems adopted under the old Indian government, if it tends to prove any thing, it must shew that either the social status of the people is very much improved, or that our revenue administration is very much milder, more popular and more suited to the existing state of property, and to those complicated tenures which always make it difficult to adopt any uniform or simple rules of procedure. That great cruelty as well as great oppression had in the most populous and best governed states under the native rule been practised, none can doubt. No one who is acquainted with the native character, or with the nature of the Indian government before the fabric of the Mussulman empire crumbled away, will find anything startling in Mr. Mangle's statements before the House of Commons, or any thing surprising in acts which have found a parallel in our own days in those acts of torture which have occurred under our own government. It does not read strange to us that in 1732, Rustum Khan should have hunted defaulting Zumeendars in the Northern circars, and after having flayed them alive should have erected a pyramid of their skulls; that the Rajah of Purneah should have been enclosed in an iron cage, pulled up to the top of a tree, and like Mahomet's coffin should have been suspended between heaven and earth, as a sight in terrorem to all contumacious landed proprietors; that in Moorshedabad native revenue officers should have made pits filled with ordure and filth, or leathern pantaloons filled with biting insects and reptiles for the special use of defaulting landlords, and of needy cultivators. A resident of Lucknow wrote to Lord Hardinge not many years ago, that a native collector sold a thousand men, women and children into slavery in order to realize his revenue. In the Saugor and Nerbudda territories, during the wild rule of the Mahrattas, the number of rude mud forts attached to nearly every large village still attests how often the collection of the land revenue had been resisted; and how frequently the cultivating community as well as the landed proprietors had

recourse to the shelter of mud walls against the raids of their tyrannical and grasping rulers. No mud fortresses are now to be seen. Occasionally a few standing walls may be met with as in Purgunnah Byrokhat at Jubbulpore, and in Saoligurh and Bow-ergurh in the Baitool district, in the centre of wild and dense jungles, overgrown by high brushwood, and undisturbed by any other sounds than the wail of the jackal or the howl of the hyæna. But nearly all those attached to villages are fast crumbling away, and in their dilapidated condition indicate a state of greater security, and of greater cheerfulness among the agricultural masses.

That there has been a considerable increase in the prosperity of these Districts there are few who would doubt. That increased prosperity is in a great measure owing to the superiority of its present government, to the improvement in its political institutions, and to the lightness of its assessment. A knowledge of the spirit of the Mahomedan polity will best be acquired by a study of the characteristic features of the Government of a smaller subdivision of the Mogul Empire. The machinery which constituted the Government of the Saugor and Nerbudda territories was of the same nature as that employed in the administration of the other subdivisions of the Empire. The country south of the Nerbudda, as well as the country in the immediate vicinity of that river, formed a part of the Deccan; like other subdivisions it was governed by delegates holding their appointment nominally from the Emperors, but in reality exercising powers almost despotic. The subordinate establishments under them, as subordinate establishments in our own day, under even the most active of our officers, were not entirely free from some vices inherent in the native character; and not entirely untainted by some crimes which when judged by the standard which in our own days we should apply to similar acts, would be considered highly culpable.

Kurdars and Mamlatdars were appointed to purgunnahs, and in the exercise of an absolute control over the property and liberties of the people, too often abused those powers, and enriched themselves at the expense of the people they were delegated to govern. Sometimes in the capacity of agents to the sub-governor, they were appointed to larger divisions. In proportion to the strength or weakness of the government he served, his demands on the people were exorbitant or moderate. Under the Mahratta system these officers of state were often rulers of feudatory communities, and under the title of soubhadars exercised unlimited general control; while in their military capacity they had the chief direction in all arrangements connected with the police. Under the British

Government, kardars have ceased to exist; and the last of the soubhadars have been pensioned, or like the present proprietor of the Boredha Talook in the Baitool District, have been allowed to hold, under rent free tenure, the villages which were granted them by former rulers for the services which they or their ancestors had performed for the state.

Exercising a more intimate influence over the workings of the village communities, Zumeendars, Canoongoes, and Putwarries perform in the present day very much the same functions that they did before. The Zumeendar, Malgoozar, or Potali is still the recognized head and the representative of each township. The Putwarrie and the Canoongo are still the hereditary accountants of each village and purgunnah. With the extinction of the old patriarchal simplicity of the character of the village communities, and the introduction of the democratic element in the working of the village system, the respect attached to the hereditary office of the Zumeendar will cease to be felt. With the gradual introduction of our own copious written records, and our minute specification of landed interests, the local influence of the hereditary village and purgunnah accountants will cease to be exercised. Whatever changes may have taken place in the official machinery employed in the collection of taxes, or in the general control and management of the village communities, there has been no change in the communities themselves. In their constitution, in their workings, in their social feelings, in their political institutions, they are the same in the present day as they were before the invasion of the Greeks; as they were before the first Mahomedan conquerors invaded India; as they were before the first Europeans landed on their shores. To the present day the village communities throughout India as well as in the Saugor and Nerbudda territories, retain the same form of patriarchal simplicity, for which they were remarkable nearly two thousand years ago. They still retain all those characteristic features, as described by Menu; and that peculiar form of self-government, as described by Elphinstone and Mill. They conduct their own internal affairs, still collect and pay their revenues through their headmen; still administer among themselves a rude and primitive justice by their system of punchayut; like all agricultural communities, their best interests, their claims and rights are bound up with the soil which they cultivate. Anything, which interfered with those rights and which lessened those interests, was regarded by them as the one evil which they had most to dread, as the one thing which in its results acted more directly than any other thing on their welfare, and

means of future happiness. From the very earliest times therefore the Government has given its first attention to the land settlements in India. It is not necessary to revert to the Hindoo legislation on this subject, to the detailed system originated by Shere Khan and afterwards completed by Akbar, or to the subsequent elaborate directions published by his orders and carried out by Malik Ambu and other Revenue Officers. Under our own Government there are few branches of the administration which require more careful attention. From the time when Lord Cornwallis gave the subject his study, and originated the permanent settlement of Bengal to the present time, there are few subjects which have been so much discussed, or into which so many fallacies have entered. While officers in the civil and judicial departments are guided by the regulations; the settlement officer has to trust to his own local experience; to his intimate knowledge of the capabilities of the district. He requires to have the most minute knowledge of those complicated tenures, and of those rights which are found to exist.

Proprietary right at the best is little understood. Ignorance on this point may sometimes be attended with much harm. When in execution of the commands of the Court of Directors, Lord Cornwallis conferred proprietary rights on the men who bore the titles of zumeendars; he committed as great an error as that which had been previously made by those, who in a less philanthropic spirit had entrusted them to the money speculators. In both cases great alienation of landed property and hereditary rights was the result. In England few subjects have given rise to more lengthened disquisitions. In India few subjects require more careful study.

In different districts where different tenures exist, it is impossible to apply an uniform system which will equally adapt itself to every existing usage, and to every acknowledged right. The laws of procedure which applied to Bengal were found when introduced into the North West to fail signally. When Lord Wellesley, during the season 1807-8 endeavoured to introduce the permanent settlement of Bengal, into the North West, the Commissioners who were appointed to carry out those orders protested against its unadaptability, remonstrated, appealed, and finally sent in their resignations. The tenures of Madras presented a still greater diversity, and in the Bombay Presidency the system could not be introduced without materially impairing the forms of the tenures. It is not too much to say that, an equal difficulty will be found in the Saugor and Nerbudda territories.

The new assessment of these territories it is to be hoped will result in an increase of revenue, the last settlement was made for a period of twenty years. No boundaries were marked, no accurate statistics formed, the capabilities of the districts, the basis of that settlement, were only approximately guessed at. The terms were easy. Dense jungles, still uncleared, formed a barrier to cultivation. In these villages the revenues charged were of the nature of a small rent, very often only nominal. Amongst the wild Gond villages which skirted and covered the base of the table elevations of the Satpoora, Mahadeo, and Bundair ranges, the proprietary had no men of enterprise, or capital amongst them. Devoid of the energy of the Rajput classes, and without the acuteness, the cunning, the skill, and love of gain which have always characterized the more wily Mahrattas, to have over-assessed them, instead of calling forth fresh energies and new incentives to labor, would have tended to discourage the cultivation of their estates. The light assessments, while they have hitherto enabled them to enjoy a comparatively large surplus profit, have led to a large extension of cultivation. With terms so moderate, and with a settlement so popular, there were yet some difficulties which could not be easily met, and which unfortunately for the people do not appear to have been met at all. Proprietary rights were not sufficiently investigated. An imperfect title must tend to lower the value of property. Where no proprietary rights are acknowledged, the head man of the village must sink into the position of a Government farmer or lessee. Such appears to have been the position of the proprietary with some exceptions in these districts. They had but an imperfect proprietary interest in the land, and imperfect as that title was, it was yet more invalidated from its liability to expire with the term of the settlement. They enjoyed, it is true, a surplus after paying the Government Revenue, but it was a surplus which resulted from the unusual lightness of the assessment, and not one which was the natural result of increased industry, of accumulating capital, or of a system of improved cultivation.

Ten years after the settlement had taken place these features attracted the attention of Mr. Thomason. In a minute dated the 25th March 1847, and which may still be seen amongst the records of the Government office at Allahabad, he thus writes. 'Such a state of things must be fatal to the property of the country, and imperatively requires remedy.' That remedy will be best applied in the selection of proper material for the execution of this work. The investigation of rights have at present been entrusted to Deputy Commissioners. This is an error; the additional

work thus imposed on the chief district officers, must be as distasteful to them as it is injurious to the people; there is a point where the desire to economise becomes the inevitable and fruitful source of reckless expenditure, and extravagant waste. There is a limit to industry, to untiring zeal, to great devotion to work even of the highest order. The officer who would undertake to get through satisfactorily the heavy judicial work, the extensive revenue suits, the endless summary ones, and at the same time devote his attention to the general supervision of his district, to the Police duties, to the income tax assessments, to the construction of new roads, and to the erection of new bridges, to the investigation of civil suits, and to cases under appeal, to the inspection of the jail, the treasury, and the constabulary, should be made of very different stuff to the generality of Government servants. That so many and so diversified duties should be performed by one officer is too much to be expected, but that to these he should add the duties of a settlement officer is almost to expect an impossibility. It was to many years of untiring patience and energy devoted to a single department, that Mr. Muir, Lt. Col. Ouseley, and Mr. George Carnac Barnes owed their reputation as good settlement officers.

Every one who has given his attention to this work must know how imperative a necessity it is to give up his entire time, to devote his entire energies, to obtain every possible information, to acquire the most accurate data, to eliminate every possible fallacy. 'The home of the settlement officer from the 1st December to the 1st of May should be his tents,' wrote the Board in 1850. It requires but a surface glance at the laws which refer to land settlements, to show how necessary for the execution of this work it must be to follow out those instructions.

The salient features of those laws clearly indicate the expediency of adopting personal enquiry in order to ascertain the capabilities of the soil, and the produce of the land; they shew too the necessity of exercising a strict control over the returns furnished by the natives, of the most careful enquiry into local rights, ancestral customs, established usages, and extent of interests, of the most searching and careful investigation with regard to proprietary rights, to claims to hold rent free grants which should be resumed, invalid tenures, and lakhiraj lands.

The plan so successfully adopted by Major Elliot in the Nagpore Province should be extended to these districts. Superintendents, and Deputy Superintendents should be appointed from the European officers of the khusra survey. They have the sympathies of the people. They understand the district they

have surveyed. Their preparation of all the documents which form the basis of the settlement gives them an acquaintance with all those minutiae of detail connected with the specification of property so necessary to this work.

We are not optimists either in government or in law. In every system of laws, as in every human institution, imperfections must exist. It is not therefore surprising that our system of Indian laws should have been found defective, and that so early as 1833 special parliamentary attention should have been directed towards it. There is however in those voluminous records of legislative talent embodied in the pages of our Indian acts, much to admire. It is their wonderful adaptability to Indian usages that has made them so useful. That errors do exist is to be regretted. Great errors are often made by the most careful of jurists; and too often perpetuated. It is its adaptability to every possible case which must prove the efficiency of a law. That law is not efficient which cannot remove a grievance, which cannot restrain crime, which tends to foster litigation, which is unadapted to the special grievances for which an action for redress may lie, which is not conformable to existing rights, to established usages, to religious instincts, or to landed institutions. In the Saugor and Nerbudda territories as throughout India, the courts have in many instances been guided largely in their decisions by Mahomedan law. In cases of preëmption, gifts, inheritance, marriage, endowments, dower, divorce and minorities, the Mahomedan law is referred to for guidance.* Indeed nearly the entire Indian code is built on Mahomedan law. That the laws should be cumbrous, verbose, complicated, or wanting in a certain nicety of discrimination, results simply from the circumstance that those who made them had no time to methodize or to condense. In India everything is practical. Everything is regarded in its character of effect; nothing is traced up through a sequence of logical reasoning to its cause. With that practical instinct which belongs alone to Englishmen, the material is grappled with as it presents itself. Our laws, as might be expected, exemplify our characteristic in this respect; they do not abound in the happiest analogies; they are not based on absolute right, nor replete with refined distinctions, but offer so many tangible guides for the magistrate's every day reference. Thus it is that even those whose bitterest sarcasms have been levelled against the inefficiency of the pre-

* The Mahomedan law has been modified and amended by Regs. IV. and XIV of 1797; VIII of 1799, and VIII of 1801; and LIII of 1803.

sent existing code, will admit that in many cases under existing circumstances that code requires no remodelling.

It is too often the habit to ascribe to Indian legislators, a deficiency in philosophic reasoning, and employing the sarcasm of Burke to state, 'that if they attempt to go but one step beyond the immediate sensible qualities of things they go out of their depth,' the censure is misplaced: they are as they are *ex necessitate*. Still it must be regretted that principles should be so little dealt with, and that crimes which involve many different shades of moral turpitude should have the same punishment. Forgery, arson, rape, perjury, adultery and affray with violent breach of the peace are classed together. Gambling which is so common amongst the lower classes of the natives in these territories is left out of the schedule, and is punished under the general regulations; and the law of honour which is not recognized amongst them is more binding than the law of the land. Perhaps the reason, that anomalies like these have so long been allowed to exist, is that Indian law to most readers is a closed book. It is unfortunate too that such digests of it, as have yet been published, should not be more attractive in their manner of treatment. It is indeed much to be regretted that those who have written on Indian law, Henry Carre Tucker, Skipwith, Beaufort, Macpherson, and Thomason should be compilers and should have simply restricted themselves to dry digests, or abstracts. To this general rule Beaufort furnishes a solitary but not a brilliant exception, and his work nowhere abounds in that terse and concise language, nowhere shews that lucid eloquence in unfolding principles, that calm disquisition in separating the specious from the true, that philosophical accuracy in making statements, that clever acumen in exposing sophistry which at once distinguish and characterize the legacies of Montesquieu, and Blackstone.

The administration of the Saugor and Nerbudda territories has given rise to much discussion. The present system of administration differs considerably from that of Oude, or of the Punjab. Though a non-regulation province, there is not as in other non-regulation provinces, the same uniformity of system, or the same simplicity of procedure. There are too some anomalies inseparable from the want of uniformity in the Revenue and Judicial administration. Indeed in one sense the government of these territories has been an experimental one. From the time when these territories were first acquired, when in 1819 the political resident at Bundelkhund first suggested that they should be divided into seven districts, and that one Commissioner and four

Assistants should constitute its staff of officers, to the present day, new officers have been appointed according to the exigencies and requirements of the work, and the rules already in force in the older regulation provinces introduced as necessity required. Several years elapsed before a civil or sessions Judge was appointed. To this day, it retains the same cumbrous form of administering civil justice, entirely through native functionaries, which during Lord Ellenborough's time elicited so much comment.*

The Commissioner has always had the chief general control of these districts. The civil and sessions Judge exercises the highest judicial and civil jurisdiction. In judicial matters, while exercising original jurisdiction in the trial and final disposal of criminals committed by Magistrates, his is the highest appellate authority in these territories, with regard to all judicial cases decided beyond the limitations of Act VI. of 1803 by Magistrates or their assistants. Deputy Commissioners are invested with full Magisterial powers. The judicial powers of a Magistrate in India are so well known that it requires an apology to allude to them here. The principal cases to which his jurisdiction extends are burglary, where the offence has not been committed with murder, wounding, or corporal injury, or where the criminal has not before

* This scale indicates the annual cost of the administrative and ministerial Establishment as furnished to Mr. Ricketts.

Existing Scale.†	Per annum.	Total.
Commissioner at,	35,000	35,000
Civil and Session's Judge, "	30,000	30,000
1 Superintendent, "	18,000	18,000
2 Depnty, ditto, "	12,000	24,000
1 Ditto, ditto, "	7,200	7,200
4 Depnty Commissioners, "	12,000	48,000
4 Ditto ditto, "	7,200	28,800
4 Covenanted Assistants, "	6,000	24,000
1 Uncovenanted, ditto, "	7,200	7,200
3 Ditto, "	6,000	18,000
8 Ditto, "	4,800	38,400
5 Ditto, "	3,000	15,000
4 Ditto, "	2,400	9,600
8 Ditto, "	1,800	14,400
4 Assistants employed on settlement duty, "	6,000	24,000

This return was furnished before, Major Pinkeney was appointed to Jhansie; and does not shew the strength of the civil establishment or the Tahsildars.

† See Mr. Ricketts' report.

committed this crime, or where he has not at the time been employed as a watchman, guard, or police officer, or where the value of the goods does not exceed 100 Rs; theft unaccompanied by these aggravating circumstances, or where the property does not exceed 300 hundred Rupees, receiving stolen property, affrays and assaults.* His assistants and deputies exercise criminal jurisdiction in all cases that may be referred to them for trial. They exercise the judicial powers of a Magistrate, or the special or ordinary powers of an assistant. In these Territories a preliminary examination in Law and procedure is necessary to the attainment of more enlarged powers. The furor manifested for examinations is indicative of good. When in 1858 Lord Stanley in the House of Commons said 'that competitive examination will prove itself 'stronger than all parliaments, and all Governments, and superior 'to all influences brought to bear against it,' he expressed an idea which was to become a fact long before 1861. In England the middle class examinations and the examinations held by the Society of Arts were opposed much in the same manner as the old Indian Bureau opposed examinations in India. In the Saugor and Nerbudda territories the examinations have resulted in making every officer more conversant with the nature of the duties he has to perform.

While much praise has been due to the zeal, energy, and ability of the European officers of these territories, those who have read Mr. Caldecott's report will perhaps find something to regret in the too extensive native agency employed in the administration: Mr. Caldecott called attention to the necessity of a strict surveillance on the conduct of the native officials employed. He did not think much either of their intelligence, or of the purity of their morals. And Mr. Caldecott was right. To the extortion, bribery, and corruption that was subsequently found to prevail among the native Sudder Ameen and native assistants, was owing Lord Ellenborough's first change in the administration of these provinces. With no ideas of moral right and wrong, with no recognition of the restraints of conscience, with scarcely any education, the native of India is generally entrusted with far larger powers than can judiciously be given him. Writing as we do, we are only echoing the opinions of some of the best judges of native character. Sir Barnes Peacock has said.

'His laborious duties, and the limited period of his holding 'office, did not allow of his visiting various parts of India, in

* For the other cognizable misdemeanours, let the Reader refer to the Schedule of April 11, 1850.

‘order to collect local information, or to ascertain, by personal experience how the laws worked and were administered. He had heard much of the corruption of the native police, and of the inefficiency, to say the least of it, of the native judges, and often when a law was proposed by one person he was told by another that the police would convert it into means of extortion or that the native judges could not safely be trusted with its administration. The nature of these difficulties were such as almost to have appalled and overwhelmed him.’ Nor is Sir Barnes Peacock the only English Gentleman who has held this opinion, Sir Henry Miers Elliott, and Sir Henry Lawrence used to express their unwillingness to give natives extensive powers. Another officer whose insight into character and whose experience through a long Indian career should lend weight to his assertions thus writes. ‘Profligacy, fraud and speculation among the native servants of the state are inseparable from the education, or rather the want of education which has been theirs. It is only the explosion of some gigantic fraud that creates a ripple on the smooth current of official business. By Anglo Indian officials such disclosures are accepted with stoical indifference as part of an unalterable system; while among the natives it creates only an irritation at the stupidity of one of their kindred in having betrayed a want of that low cunning considered by many as indispensable to the education of a man of business. The culprit is looked upon as having brought disgrace on the community from his want of tact. The moral guilt is of no consequence; success alone makes the hero.’

It is to be regretted that native agency should be so largely employed in these territories. It is only by the more extensive introduction of European agency into the administrative machinery, that our great expectations of Indian progress can be realized. If one truth more than any other is rapidly gaining ground, it is this, that the oriental form of Government must give place to one based on constitutional ideas; the triumphs of the Indian Government ought to be like the triumphs of the United Kingdom in the nineteenth century; triumphs as well over social errors, as over the material universe. It is only by the introduction of European capital and by the employment of European energy, that we are to expect those splendid results which the great and undeveloped physical resources at our command promise. As we write we can picture to ourselves what in a single decade of good Government might be effected. Territories like these afford the best illustration of the valuable nature of our acquisitions in the East; they shew how the

energy and ability of a few European officers, in a space of time scarcely stretching over forty years, have restored much of their original prosperity to vast tracts ravaged by war ; how agriculture has been fostered, and how just laws and wholesome discipline have tended to the maintenance of internal peace.

ART. VII.—*Friend of India, August 1st and August 29th, 1861.*

THE relations between work and wages form one of the most perplexing problems of Eastern life, and tend more than anything else to mislead European capitalists when they sit down to estimate the gains of industrial enterprise. The knowledge that a weaver is satisfied with three pence a day, that the goldsmith is content if he can earn sixpence, though the one can make the Muslins of Dacca, and the other spin the fairy webs of gold and silver which we buy at Delhi and Cuttack, has in many instances furnished the incentive to disastrous undertakings. It is natural to suppose that where nature has done so much and art so little; where life is sustained so cheaply; where patience sits in lieu of energy; and intellect abounds, whilst will is thoroughly enchained, that the wisdom, the wealth and the force of the European must always succeed as well as dominate. In countries where the richest products of vegetation grow almost spontaneously, where the most valuable minerals abound, where order is assured, labor plentiful, and cheap beyond comparison, capital very scarce, and machinery almost unknown, it seems impossible that schemes for cultivating and manufacturing with the aid of European modes and means should fail. Yet they *do* fail, and that so frequently and so thoroughly, that if a balance were struck between the fortunes lost and the fortunes made by such profits, it is hard to say which total would be the largest. When undertakings of this kind are set on foot, it is not sanguine men who are needed to support them. Persons who are timid from experience or habitually distrustful, enter eagerly into them, and never allow a thought of probable miscarriage to enter their minds. The calculations appear to be so sound, the expectations so reasonable, the margin of profit so wide, that success is looked upon as an absolute certainty, and the chances are, that when ruin ensues, it is set down as the effect of fraud or bad management. The existence of the

‘Little rift within the lute

That bye and bye will make the music mute’

is never at any time suspected though it was there from the beginning. The plan that looked so feasible required one small element that wit could not foresee and money could not buy, and wanting which, all other probabilities in its favor went for nothing.

If one were content with educing from the records of these melancholy shipwrecks of earnest effort, a maxim of wide application, it would be sufficient to prove that the triumphs of industry like those of the intellect and the conscience, can only be achieved by slow steps, and that many props are needed to sustain one giant growth. A great manufacture like a great idea may be suddenly created, but to grow and be propagated it must have the co-operation of the people at large. Before it can be incorporated with the machinery of natural life and be allowed to influence its pulses, every part of the existing organization must suffer a change.

The steam boat and the Railway are exceptions to an otherwise universal rule, and for the reason that they are self-contained and do their work without requiring extraneous aid. The engine travels on its own pathway, which lies perhaps across swamps where the soil will not bear a man's footstep; over rivers which ordinary commerce would scarce bridge for centuries to come; through narrow tracts where the travelling merchant would never care to find his way. In new countries it begins and finishes at the same time the work of civilization so far as the means of locomotion are concerned. In the organization of an express train, invention seems to have reached the limits of natural possibility. We can travel if we like as fast in India as in England, asking no favour at the hands of Asiatic skill, no help from Asiatic resources.

It is wholly different when we come to apply the refined processes of European skill to manufactures in the East. The very perfection of our method is the cause of failure. The animate and the lifeless machine partake in this respect of the same disadvantages. If a man attains great proficiency in pointing pins he must always have pins to point or starvation meets him in the face, and the machine in like manner must always have work to do, or it will not pay. It can probably get through its tasks in a style that defies competition, but if it has cost too much to make or is left idle now and again it fails as a source of profit. Let it be ever so exquisite a specimen of ingenuity it is only part of the larger machinery of human effort that never intermits its tasks in any part of the world, and must always be in gear with it. Let us take our first illustrations in point from Cocoonut planting and Oil making in Ceylon.

A native plantation of Cocoonuts has the air of a natural jungle. There are no traces anywhere of culture. Decayed fruits and branches strew the ground from one end to the other lying where they fall till they rot. A bullock cart trying to thread its

way through the place has to wind amongst a labyrinth of trees planted usually without order or regard to ventilation. You see at a glance that vegetation is left to take care of itself, and certainly there is no part of the world where a valuable and never failing product obtains such little care from the owners.

Under these circumstances, it was quite natural to suppose that if Cingalese proprietors of cocoa-nut estates did well, Europeans would do better. It had been proved by all native experience that the tree would spring up and bear fruit without receiving proper care, and if that were bestowed, there was no saying to what extent the yield might not be increased. So an idea got abroad amongst resident merchants, Indian civilians and soldiers, and capitalists at home, that one of the best investments for money was a cocoanut estate in Ceylon, and about fifteen years ago it began to be realised. Since that period about five thousand acres of land have been planted in the peninsula of Jaffna, and maintained up to this hour at a cost of about a quarter of a million sterling with the unhappy result of total failure in every instance. Many estates have never paid their expenses, and in June of the past year a property consisting of a thousand acres, upon which more than £25,000 had been spent, was sold to the great joy of the owner for something considerably less than a sixth part of the cost. And over the same period of time it would not be possible to point out a single example where a native plantation has failed to be a source of great profit. At an average growth of eight years an acre of cocoanuts is worth £4 a year over the whole island.

In all the cases we have mentioned, European superintendence was carefully maintained. The plantations were laid out regularly with ample room between each row of trees. The best nuts were selected for planting, and as they grew up, they were watered and watched with untiring care. As vegetation sprang up, it was scrupulously cleared away. The ground was often ploughed and weeded, and experiments in manuring and general treatment were frequently set on foot. But cleanliness costs money and our countrymen were out of gear with the work going on around them. To make the European device of large estates successful they required a large amount of resident labor, and that was frequently not forthcoming, or found to be so expensive that it was dispensed with when most wanted. They ought to have had machinery for watering the trees and manure for supplying the place of the decaying material, which was made such a point to be rid of. To the Anglo-Saxon confident in the strength of his will, the lasting quality of his energy, the

wisdom of his civilization, and the power of his money it is doubtless a source of mortification to be obliged to confess, that the Native's method of going to work on such an occasion, is worth them all and much more. But the fact is not to be gainsaid, and future efforts in the same direction are sure to be followed by like consequences.

The Cingalese have a proverb that the Cocconut will not grow out of sound of the human voice. The conceit no doubt had its origin in the universal experience of the superior advantage of home cultivation to persons so placed. Their plantations average perhaps half an acre, containing usually some fifty trees which the family can look after when the owner is absent. It is no trouble to be thought of or paid for, to water the young plants so long as they need it. The cattle who are always on board wages roam in and out at pleasure being merely fenced off from the shoots till the latter are too tough for eating. The place is filthy and very hot, but the Cocconuts evidently like dirt and thrive accordingly. Whether they would prefer being dieted on patent manures, drinking from scientific watering pots, and receiving daily visits from Europeans on horseback, is a problem, the second half of which is not likely to be solved in this generation.

If the growth of the Cocconut disturbs our notions of the superiority in all instances of European processes in agriculture, the details of its conversion into oil are no less suggestive of doubts on the side of manufactures. The native oil mill is one of the oldest machines in the world, exactly similar in shape to the mortar and pestle of the druggist, the former being worked by a shaft, to the end of which a pair of bullocks are attached. The cattle travel in a circle of about 18 feet diameter, and make three complete revolutions in a minute. Half a hundred weight of Copperah, as the dried kernel is called, is a charge for a full sized checkoe and a pair of stout well fed bullocks will get through four such charges in a day. The man who drives has usually a boy to assist him in taking the oil which is got out of the mortar by dipping a piece of rag into the fluid and squeezing it into an earthen vessel. It is not the purest and brightest of liquids as may well be imagined.

Of late years large sums of money have been sunk in the purchase of European machinery for oil making between which and the native mills there can be no comparison for power, quantity of work done, or the quality of the product. The copperah is first crushed to a pulp between edge rollers, and then placed in bags upon the table of an hydraulic press. The pressure

exerted is immense, and in the case of the most powerful of these machines the oil is so thoroughly extracted that the residuum of the nut feels like dry flour and falls into fine powder.

Now looking at the two modes of accomplishing a given end, the primitive and the highly refined, are we not bound to conclude that the latter must in every way bear the palm? surely so, but then on the other hand it is admitted that

‘The value of a thing
Is just as much as it will bring,’

and tried by this supreme test of worth we must fain adopt a different conclusion. Here are the opposite data from which it is impossible to deduce results of a pleasant complexion.

A mill of ordinary size can work off say two tons of copperah daily, and it is putting the cost of machinery, buildings, and all requisite appliances, at a sum far below actual outlay when we set it down at £2000, and at least £500 must be employed as floating capital. An Engineer would be very badly paid at £150 a year, and if he were manager of the concern as well, £300 would barely ensure the continuance of his services. All other expenses, labor and contingencies are very cheaply estimated at £25 monthly, or £300 per annum.

The depreciation of machinery is set down always at 10 per cent annually, which is a charge of £200 in the present case. We must allow the owner a like percentage on his capital or £250, and if to these are added the charges of management, labour and all other needful payments, we have an annual cost of £1050 and a production of oil from the working of two tons of copperah daily.

As before stated, the daily duty of a checkoe is 2 cwt. of copperah, so that twenty mills are required to get through two tons in the twenty four hours. The cost of the native oil mill with serviceable bullocks is rather under than over £20, but we will take it at that figure which brings the outlay requisite to compete with the European establishment in the point of outturn to £400. Here is a gain in favour of native industry at the outset of 80 per cent in the amount of capital sunk in machinery. Let us now examine the working expenses incurred by the latter.

Neither bullocks nor checkoe will last, it may be presumed, beyond five years, so that on the capital of £400, there is a yearly charge of £80, or 20 per cent. The wages of a man and boy to each mill are fifteen pence, and a pair of bullocks fed luxuriously, entail a daily cost of one shilling more. There are no other expenses and the total amounts to £755. It is

absolutely beyond question that to perform equal quantities of work the native manufacturer has to employ but one fifth of the capital required by the European and saves in the doing of it five shillings in the pound.

It might occur that weight being equal as to out-turn, the engineer produced more oil from the same quantity of kernels or made an article which realised higher prices, but neither unluckily is the case. The ordinary Hydraulic press extracts no greater percentage of oil than a well managed checkoe, and as to quality the buyer at home is understood to have a preference for that which is not over purified. The process needful to improve the color is said to render the material of less value for certain uses, and whereas in the case of the Hultsdorp mills at Colombo no less than 7 per cent. is added to the weight of oil produced, the addition is far from being clear gain. The cake after it is pressed is worth a seventh part of the value of oil, and when so much as seven parts in the hundred more of oil is taken out of it as compared with ordinary Poonac its value as food for cattle is proportionably diminished. Five per cent additional is the very utmost that can be credited to the establishment in this respect as compared with the out-turn of other mills worked by steam and bullocks, and it utterly fails to meet the enhanced expense of working consequent upon the costly character of the machinery employed; that excellence in machinery like all other good things may be bought at too high a price, is a matter not to be gain said.

If ever there existed a justification for sanguine hope and wasted treasure, it will be found in the case of the experiments made with regard to those fibrous substances which grow wild and so abundantly in the tropics. The most exquisite fabrics woven in Indian looms from the gossamer threads of the Cotton plant fail to rival in beauty the products of the Pine apple, the *Sansevieria Zeylanica*, the *Calotropis Gigantea*, the Aloe, and many varieties of the nettle tribe. Some are bright and almost as soft as silk, to which they might perhaps be made fully equal by the application of chemical skill. Many are stronger than the best hemp, others are all but indestructible in water. They ask no trouble at the hand of man to facilitate their growth, the barren soil serves for their habitation, they are self planted and self supported, they spring up, no one knows how, where cultivation has been abandoned, or where it has never been known. The native uses them for his fishing lines or nets and for ropes of all sizes and strengths, but except in the Phillippine Islands and China no attempt is made to convert wild fibres into clothing. The demand for them in the

shape of textile material in the European markets would be illimitable, and relieve the strain on cotton so as to enable our manufacturers to breathe easily; but we have not as yet mastered the secret of profitable conversion. Our efforts to that end have always taken the shape of experiments in machinery, whereas we should look to chemistry instead. There is surely a solvent to be found which would destroy vegetable pulp, whilst it left the fibre untouched, or if such an agent would be too expensive, it might be found possible to restore the natural color and pliability of fibres prepared by the native methods of steeping the plant till decomposition enables them easily to draw out the thread. The worth of an invention which should utilise all fibrous substances would be so great, that one only regrets the perpetual failures, and dare not condemn the perpetuity of effort to retrieve them.

The Asiatic sits on the ground with a board on his knees, a wooden knife in his right hand, and a strip say of plantain leaf in his left; the other end of which is securely held by his toes. He lays the strip of leaf on the board and scrapes away carefully, until the whole of the fleshy matter is removed, and the beautiful fibres disclosed. You see at a glance the many uses to which they might be turned. Mixed with silk they would make damask, or they might be employed as substitutes for the materials now used to make gimp or moreen, or they might add another to the numerous imitations of alpaca. All that is requisite to make the thing 'pay' is that the fibre should not be too dear, and that it should be sent forward in quantity. The latter necessity was ignored by the late East India Company, who for several years took infinite pains in having all sorts of fibres prepared under scientific superintendence; the products being sent forward to the India House in bales. When samples were sent to the manufacturers for valuation, the latter named prices based on the softness, the color, or the strength of the fibre, as compared with textile materials in actual use; but when the usual clearance sales took place, the authorities were surprised and disgusted to find that the amounts realised were only perhaps a fourth of the valuations. It never occurred to them that the estimates of worth were calculated upon working data, and that purchases were only made from motives of curiosity. A fibre which cannot be produced by thousands of bales is literally worthless to the weaver. He cannot afford to alter his machinery merely to work up penny-worths of a new material, however valuable in the abstract. The inventor then of a mode of preparing fibres must always have it in mind, that *quantity* is even of more consequence than quality, something can always be made of an article which is to

be had in abundance. To the manufacturer 'a thing of beauty' so far from being 'a joy for ever,' may scarcely be an object of momentary interest.

About eight ounces of fibre can be produced in a day by the scraping process, and allowing only two pence for the laborers wages, the fixed cost per cwt, is £1-17-4, a rate which is fatal to the hopes of commerce. No fibres made by hand labour can possibly yield a profit, except where the steeping and rotting process is brought into play. The Manilla hemp made from the wild plantain, *Musa textilis* and Jute, and Sunn are well known to commence. The two latter products of Bengal, pay tolerably well, owing to the facility with which the fibres can be stripped off after soaking in water, but all the finer material is left untouched, and this discouraging result has followed on the heels of incessant labor and invention for the last thirty years.

The most promising of all the fibre machines is the invention patented by Mr. Burke, which with some alterations would effectually clean the plant at a single operation. But in the first place, it is unsuited to the wants of the manufacture, as it cannot be worked by hand; and secondly, it fails from causes beyond the inventor's control. The average yield of fibre from the plants that grow most abundantly is not more than four per cent, so that twenty five tons of material covering on the average a couple of acres have to be cut, carted and passed through the machines in order to the production of a single ton of fibre. Only a large amount of invested capital and the formation of establishments for growing and manufacturing on the largest scale could make the invention profitable. If the factory were raised in the midst, say of a thousand acres of plantation, and supplied with engines and machinery at a cost of £ 5000, it would no doubt yield a handsome profit, for the crops of Plantain, and Sansevera, never fail, and the plants reproduce themselves, so that labor in reference to their growth and preservation is a very small item of cost. But we want a machine which shall do for fibrous plants in general what the village churka does for cotton, a machine which the village carpenter and blacksmith can make and keep in repair, portable, cheap, and efficacious. Even if chemists discover an effectual mode of getting rid of the pulp, it would not be put in practice by Indian ryots, who are utterly unapproachable in the matter of new devices of that sort. It would be for Europeans only to deal with scientific methods, but their utmost efforts however successful, would be the merest trifle when compared with the vast production of fibres by natives, if a simple machine were put

into their hands. There is scarcely a hut that is not partially shaded by the plantain tree, and hardly anywhere is the fibre put to local use. The supply of cotton would in that case fall far short of the production of other fibrous substances fit for the loom, to the great benefit both of ryots and weavers.

Cocoanut fibre, which is used so largely both at home and abroad has been as a matter of course the subject of numerous scientific processes, leading to the ordinary results, great improvement in the manufacture of the article, and much disappointment to the inventors. As practised in the East the manufacture is, perhaps, the simplest in the world. The husk is steeped in water and mud for several months, and when taken out, a few blows with a piece of wood get rid of the decomposed pulp, and the fibre after a slight washing is ready for the market. The color is frequently dingy and the natural strength is somewhat impaired, but such as it is, made by women and children, it yields a handsome profit, whereas the beautiful specimens of coir fibre and coir yarn made by machinery entail a loss. The power required to separate the fibres from the husk when but slightly softened by a few hours steeping is very great, a ten horse power engine working ten machines will hardly get through five cwt daily, and though the fibre is vastly superior to the native article, the market value is so little in advance of the prices given for the latter, that the business is found not to pay. Just so with the yarn, for which patent machinery was set up in Ceylon last year. It was spun very regular and of a degree of fineness not to be found in native specimens, but the inventors and patentee have discovered that the public do not care to pay for better yarn than the women and children can furnish with the sole aid of their fingers. The ingenious and hopeful persons engaged in what has turned out so unfortunately, overlooked the fact, that there are very narrow limits to the use of coir owing to the imperfections of the staple. It is harsh and brittle and cannot be made to take the place of twine, or whipcord. And so another promising scheme drops into the limbo of unusable inventions.

If Cotton can be grown in America where slave labor costs fully two shillings a day, and still give large profits to the grower, why can it not be far more advantageously cultivated in the East, where the cultivator is well paid at the rate of three pence a day? Such is the question which many an enterprising Englishman has asked himself, solving it in the way which entails certain ruin. It is quite true that the soil of India is over vast tracts, eminently fitted for the production of cotton, that

American sorts thrive in many districts, and that the difference in value between the best samples of the one, and the worst of the other is not equal to the difference in the cost of labour. But it is also true that no European can grow cheap crops except at a loss. To afford himself even a chance of success he must take up land to a great extent, and the difficulty of superintending it, is sure to beat him. His average production per acre even if he were reasonably dealt with, would not be above 1 cwt, the average of the Madras presidency is but 50lbs of clean Cotton. Say that it is worth 4d per lb on the spot, the gross value of the cultivation is but £1 17s 4d per acre, so that some thousands of acres must be bought or rented if he would expect even in theory to make a good thing of it. Now a farm so extensive is not to be had in one block except where there is little or no population, and if labor is scarce, how is the cotton to be picked? He must either be content to get hold of a patch of suitable ground here and there, as occasion serves, and so put himself in the hands of native overseers entirely or abandon the scheme. Indigo which is worth five shillings a pound can be grown with enough however of trouble and disappointment, and coffee which is worth £30 an acre, and is grown on compact estates, in an almost temperate climate, can be raised with success, but the cultivation of cotton by Europeans is utterly out of the question in any part of the tropics.

Perhaps there is not much more morality amongst English workers than amongst Asiatics, so far as the desire to do a fair day's work for a fair day's wages is in question. Any one who has been amongst shipwrights, knows what significance they attach to the phrase "a dock yard stroke" when alluding to the infrequent and lazy blows of one who has been in Government employment and amongst other classes of mechanics, strict superintendence and careful measurement of work are not to be dispensed with. But there is a peculiarity in the native mode of estimating the value of labor which has a very misleading effect upon the minds of Europeans seeking to push trade into new channels. A carpenter in England if he makes a box at home after working hours, expects to receive as much for it as a buyer would have to pay if he purchased it from his master; and though he may be content to halve the master's profit, still in estimating the value of his labor, he makes no abatement on the score that it was performed on his own account in his own bedroom, instead of in the workshop in the regular hours. The Asiatic proceeds upon the opposite system. Buy the work of his hands and you may do well, but hire him to do the like for day wages, and the

results are widely different. Labouring on his own account he takes no note of the hours. Himself, his wife, and children all take spells at the task in turn. The ultimate pay-master has nothing to do with sickness, short crops, or idleness, the bargain is governed wholly by the market rate. Perhaps after all he deals fairly after his fashion. Time is nothing to him, and he expects that it is nothing to you, but woe betide you if you reason upon the data furnished by his course of independent action, you can buy a ton of plumbago at the pit's mouth in Ceylon for fifty shillings, dig it yourself, and it will cost you at least on the average five pounds.

Upon sugar growing and refining, cotton growing and various chemical processes, we shall have something to say on a future occasion.

THE CALCUTTA REVIEW.

DECEMBER, 1861.

- ART. I.—1. *Considerations on Representative Government.* By John Stuart Mill. London: Parker, Son & Bourn. 1861.
2. *Constitution of United States of America, Framed by convention of Delegates from New Hampshire, &c. &c., at Philadelphia, September 17th, 1787.* New York.
3. *Constitution of Confederate States of America.*

THE indifference of Anglo-Indians to ordinary party politics, which excite such interest amongst their country-men at home, is a peculiarity which invariably strikes the attention of Europeans newly arrived in a country where almost everything is strange. A change of Ministry involving a change of the Secretary for India—an Amalgamation Bill destroying the hopes, plans and prospects of hundreds—or a Civil Service Bill hailed by some as a breaking down of a pernicious monopoly, stigmatized by others as a breach of covenant and a cloak for jobbery ;—such matters as these excite interest and become the subject of conversation, though rarely of discussion. But political questions unconnected with India, however important, not to Englishmen or Europeans only, but to mankind—questions of Parliamentary Reform, of Free Trade, of Tariffs, and such like—awaken but little interest in Anglo-Indian circles. When broad questions of Government in general are discussed—the principles of true or false democracy, the most beneficial distribution of political power between the Crown and consultative or legislative Chambers, unity or duality of Houses, whether the Head of the executive should be elective or hereditary, and such like, which form the subjects of Mr. Mill's latest work—still more rarely do we find even the most transient attention bestowed upon them by the great majority of Europeans in India either official or unofficial. We almost feel as if we owed some apology

for intruding upon the notice of the Indian reader a work in which such questions form the main subject of discussion, and India is introduced but casually and secondarily. Let our excuse then be, that India appears to have been in the author's mind while writing more than one passage in which she is not directly named; and that the final chapter is chiefly devoted to the consideration of Indian government. And further; all who are interested in the welfare of India, must, for obvious reasons, watch with anxious attention the great struggle which is advancing so slowly in America. It is strange but true, that to many this deplorable contest seems a proof of the unsoundness of democratic institutions—'the bursting of the Republican bubble' as one sage of the Imperial Parliament expressed it 'in his place', receiving for his flippant ignorance the rebuke he merited. It is strange we repeat that Englishmen whose present liberties were won and consolidated by fierce and even bloody contests—the so called 'Great Rebellion,' the Revolution of 1688 and we may almost add the Reform Bill struggle of 1832—should point to the present struggle between Northern Democracy and Southern Aristocracy as a disgraceful failure of Republican institutions. It is but the fiery purifying, through which England herself had to pass in her march to her present proud position as one of the freest of the nations of the earth. From it Democracy in its purest, truest sense will emerge triumphant, as Civil and Religious freedom in England have emerged from her internal contests. But since the fact is undeniable that many do connect the present contest with the existence of republican institutions, let us hope that a brief statement and examination of the views of one of the greatest political thinkers of England upon Democracy and kindred subjects, will be read with patience by our Indian friends: and that the weight of Mr. Mill's authority will induce some at least to examine the grounds of the Anti-Democratic opinions which they hold; and to modify or reject such as may be found to be unsound.

It is conceded on all hands that Mr. Mill is at least worthy of a hearing. However shocking some of his views may appear to those who have insensibly imbibed, from childhood upwards, feelings of horror of democracy, or republicanism, without attaching any very definite ideas to these formidable words; or to others, who, with true insular self-complacency, regard English institutions as having already attained perfection, and believe that any change must be for the worse, Mr. Mill's views, speculations and suggestions are nevertheless worthy of attentive examination. All of us have opinions which have grown with our

growth, which have been so intimately blended with our mental constitutions that we have come to regard them as axiomatic—as primary intuitions of the human mind—and to doubt the possibility of other men differing from us in these points, unless over-clouded by ‘invincible ignorance,’ or blinded by self interest or impregnable prejudice. It is not of theological opinions only that this is true. In politics too we often need free discussion, open statement and honest examination of opponents’ views, with a full statement of the arguments adduced in their support, in order to impress upon our minds Bp. Butler’s simple but important caution—to remember that we differ from others, as much as they from us. There are no questions the free discussion of which is not beneficial to the fully developed and educated mind. Free discussion of views opposed to our own, and honest examination of the grounds on which our own are based, alone can give us true liberality of spirit; eradicating that narrowness of mind to which the best of us are prone, which sees no cogency in an opponent’s arguments, or weight in his opinions; and saving us from the dead level of uniformity of unquestioned opinions, the tendency to which in the present age Mr. Mill laments in his work on Liberty.

We propose in the following pages to lay before our readers, some of those views of Mr. Mill which are contained in his work on Representative Government; selecting those which appear to us most important to be known and discussed. Our object is to lay before readers, who have neither leisure nor inclination to read the work themselves, the principal opinions put forward after mature deliberation by a veteran logician and political thinker. We could scarcely find, in the whole range of English literary men, one more competent to teach; or one whose opinions, if we cannot accept, we can less venture to condemn. On Indian subjects, more particularly, few politicians, if any, are so worthy of an attentive hearing. A certain cynical member of the London press, not addicted to praising any one (except, perhaps, the house of Orleans, and Mr. Charles Kean), and not to be suspected of participation in Mr. Mill’s political opinions, informed us, some months ago, that he ‘is one of those few persons who are able to do a service to their country simply by discussing the subjects in which they are interested. Apart from the value of the opinions he expresses, the mere fact that Mr. Mill chooses to express an opinion on any matter of public importance is sure to turn the attention of a large body of readers and thinkers to the topic which he has selected.’

Having, in his First Chapter, laid down and examined ‘the

'three fundamental conditions of the adaptation of forms of government to the people who are to be governed by them;' viz.—that 'the people for whom the form of government is intended must be willing to accept it, or at least not so unwilling as to oppose an insurmountable obstacle to its establishment;' that 'they must be willing and able to do what is necessary to keep it standing;' and that 'they must be willing and able to do what it requires of them to enable it to fulfil its purposes;' Mr. Mill proceeds to inquire into the 'criterion of a good government.' Rejecting as illogical the division of the objects of government into the two heads of order and progress, (or Coleridge's Permanence and Progression)—pointing out that 'the agencies, which tend to preserve the social good which already exists, are the very same which promote the increase of it, and *vice versa*: the sole difference being, that a greater degree of those agencies is required for the latter purpose than for the former'—(p. 21): that 'it holds, universally, that when Order and Permanence are taken in their widest sense, the requisites of Progress are but the requisites of Order in a greater degree; those of Permanence merely those of Progress in a somewhat smaller measure,' (p. 24)—he concludes that the 'best government is that which is most conducive to Progress.' Further on he establishes a 'two-fold division of the merit which any set of political institutions can possess. It consists partly of the degree in which they promote the general mental advancement of the community, * * * and partly of the degree of perfection in which they organize the moral, intellectual and active worth already existing, so as to operate with the greatest effect on public affairs.' (p. 33)

While the latter of these two objects of government varies comparatively little in the various stages of civilization, which a people may have attained, it is far otherwise with the former. Institutions having for their object the training and intellectual advancement of the people themselves must differ radically, according to the actually existing degree of civilization. Mr. Mill regards the partial recognition of this truth by politicians of the present day as an important point of superiority over their predecessors. But its recognition is, we fear, still very partial. There still prevails amongst Englishmen, though of course, in an inferior degree, the same conviction, which stimulated the fierce propagandists of republican principles in the first French Revolution, that their own political institutions are of universal applicability; and that it is almost a sacred duty to bestow upon other people, however unfitted for them by the stage of civilization

they have reached, or by previous habits, either of turbulence or of passive obedience, a form of government as similar as possible to that which they themselves possess, and under which they have themselves grown great and free. It is not so very long ago, as to be foreign to the questions of the present day, since political institutions unfitted to the people were bestowed upon the Ionian Islands: and the consequence has been an utter mockery of the forms of representative government, and the attachment of the discredit which must always accompany inconsistency, political or personal, to the giver of institutions which have been nullified in practice. Other instances might be adduced. In India we have heard of 'representation,' in connexion with changes in the constitution of the councils; and Lord Canning's new Peripatetic council is supposed to supply 'representation' of native interests, as well as of those of unofficial Europeans. It is scarcely necessary to remark that with regard to our Indian fellow subjects such representation is altogether illusory: except in name it bears no resemblance to genuine representative government. That the people of this country are as yet unfitted for representative institutions, and evince neither aptitude nor desire for them, is unquestionable. That there exists not the slightest intention on the part of the ruling power to bestow them, and that such concession would in the existing stage of civilization be mischievous in the extreme, are also facts which few will question. But it is equally indubitable that it is a sacred duty of the Governing Power so to govern the subject people as to train them gradually to be capable of governing themselves. 'The one indispensable merit of a Government,' says Mr. Mill, 'in favour of which it may be forgiven almost any amount of other demerit compatible with progress, is that its operation on the people is favorable, or not unfavorable, to the next step which it is necessary to take, in order to raise themselves to a higher level.' Does our system of Government in India possess this 'indispensable merit'? Is there any intention or the faintest wish on the part of the rulers of India, to train her people to self-government, and then to abdicate their functions and resign their power into the hands of their former subjects? Is there any genuine desire to elevate the native to a higher political level? We fear these questions must receive a negative reply.

It may not be uninteresting to quote, from this chapter, Mr. Mill's emphatic refusal to admit two of the most prominently urged pleas in favour of modern slavery; namely, that it is necessary to the civilization of the negro, and that its effects upon the master are ennobling. Conceding that 'personal slavery,

'by giving a commencement to industrial life, and enforcing it as the exclusive occupation of the most numerous portion of the community, may accelerate the transition to a better freedom than that of fighting and rapine;' he adds, 'it is almost needless to say that this excuse for slavery is only available in a very early state of society. A civilized people have far other means of imparting civilization to those under their influence; and slavery is, in all its details, so repugnant to that government of law which is the foundation of all modern life, and so corrupting to the master-class, when they have once come under civilized influences, that its adoption under any circumstances whatever in modern society is a relapse into worse than barbarism.'

In the course of his remarks upon, and illustrations of the principle that different stages of civilization and political advancement require different institutions in order to enable them to advance another step in the ascent to the ideally perfect system of government, Mr. Mill, as it appears to us, states somewhat too broadly certain propositions relative to the capacity of slaves for self government and political progress. 'It is the characteristic of *born* slaves' he says, 'to be incapable of conforming their conduct to a rule, or law. They can only do what they are ordered, and only when they are ordered to do it. * * * A despotism, which may tame the savage, will only confirm the slaves in their incapacities. Yet a government under their own control would be entirely unmanageable by them. Their improvement cannot come from themselves, but must be super-induced from without.'

We do not think that the meagre materials which we possess for forming an opinion as to what slaves may be politically capable of, will fully bear out these and other similar propositions laid down by our author. Meagre indeed are the materials for a judgement on the question. From the history of ancient slavery in Greece and Rome we can learn nothing. There is no analogy between it—where the slave, most frequently a prisoner of war, was intellectually and morally the equal, and not seldom the superior of the master—and the modern institution where the slave is naturally and artificially below the master's intellectual level. The known advance in prosperity and intellect of 'born' slaves, escaped, are beside the question; for they are brought into immediate contact and competition with a superior race. So far as we are aware, we have only the cases of Liberia and Hayti, from which to deduce conclusions as to the political capacities of slaves thrown entirely or principally upon their own resources. What little we know

of the former is decidedly favorable to the capacity for self-government in slaves, and those for the most part 'born' slaves.

The servile insurrection in Hayti, begun in 1791, and brought to a successful termination under Toussaint L'Ouverture in 1803 seems to us decisive in favour of our view. Jean François, the leader of the negro insurrection, described as a man of 'vast penetration,' was a born slave. Toussaint L'Ouverture, François' lieutenant, scarcely surpassed, as a general and an administrator, by any man of his age, whose military genius won the independence of his country, and whose civil administration raised her to a condition of the highest prosperity, was also born and bred a slave. The secret of the terrible conspiracy for the utter destruction of all the whites, and the establishment of an independent negro republic, kept with a fidelity to which there is no parallel in history, proved extraordinary powers of combination and self-restraint in the conspirators, two most important ingredients in the capacity for self-government, and political advancement. The burning of Cape Town by the negroes, to prevent the French from deriving any benefit from its occupation, has been not inaptly compared to the conflagration of Moscow by its patriotic inhabitants, with a similar view. The gallantry of the resistance of L' Ouverture and his black army to an overwhelming force of French has rarely been surpassed by free-born citizens fighting for long established liberties. The atrocities which stained the progress of the negro bands were not unrivalled by the bloody deeds of their white and 'civilized' enemies—nor, alas! did they much surpass the cruelties which our own day has seen on both sides of a bloody contest, in which no quarter was asked or given. We may add that Soulouque, who abdicated the Empire of Hayti, in favor of General Fabre Giffard in 1858, and who had during a reign of nine years displayed no mean talents as a general, and as a civil administrator (notwithstanding his ridiculous creations of Dukes of Lemonade, Marmalade, and so forth), was also a born slave.

From the principle that a good Government should not only administer rightly such of the affairs of the governed as properly come within its sphere, (what these are is discussed farther on), but should also educate the people in political duties, and promote their intellectual, moral and active advancement, by causing them to manage, as far as is expedient, their own affairs, and to take a lively interest in those things which it is advantageous should be done by Government, it logically follows that the rule of a 'good despot,' if such could be secured, is *not* the 'ideally best form of Government.' It is we think, impossible

not to agree with Mr. Mill in his opinion, that to suppose the management of the entire affairs of a mentally passive people by one man of super-human mental activity, to be the best form of Government, is a 'radical and most pernicious misconception of what good Government is.' It is an error by no means uncommon even among politicians who have devoted some thought to questions of Government; that it is an error, however, and a pernicious one too, is unquestionable in the case of a country at all advanced in civilization. To peoples in certain early stages of political existence despotic government alone is applicable; and a good despot must be superior to a bad one, for both objects of Government. But in a country which has made any advance in civilization and political development, neither of the propositions just stated as applicable to certain backward conditions of a people can be maintained. 'Evil for evil, a good despotism, in a country at all advanced in civilization, is more noxious than a bad one, for it is far more relaxing and enervating to the thoughts, feelings and energies of the people. The despotism of Augustus prepared the Romans for Tiberius.' (p. 53).

The 'ideally best polity' then is not a despotism, administered by a being of extraordinary, wisdom, energy and benevolence. It is, on the contrary, that in which every citizen, firstly, has a voice in the exercise of the sovereignty, and secondly, is 'called on to take an actual part in the Government, by the personal discharge of some public function, local or general,' such as by being members of a municipality or sitting on juries. This conclusion, however, requires to be qualified by being restricted to the 'circumstances in which it is practicable and eligible.' It is not practicable or eligible in all states of civilization.

Before leaving Mr. Mill's third chapter we have two or three brief remarks to make.

From the proposition that 'each is the only safe guardian of his own rights and interests,'—an elementary maxim of prudence—'it would seem to follow that the suffrage is the right of every citizen. The claims of all to participate in the sovereign power' is, in Mr. Mill's view undeniable. And yet in chap. x. Mr. Bright and his school of democrats are taken to task for maintaining that the franchise is a 'right, not a trust.' (p. 191). There appears to us to be an inconsistency here. 'No man,' says Mr. Mill, in the latter passage, 'can have a right (except in the legal sense) to power over others: every such power, which he is allowed to possess, is morally in the fullest force of the term a trust. But the exercise of any political function, either as an elector or as a representative, is

'power over others.' But surely a man may have a *right* to as much power over others as others have over him; or to as much as is necessary for the protection of his own interests against the power of others. Nor does there seem to us to be the opposition between a 'right' and a 'trust,' which is implied in this passage, and in the ordinary discussions upon the subject. A man may have a right to the franchise and yet his exercise of it may be a trust. 'If it is a right,' says Mr Mill, 'how can we blame a man for selling it?' But there are restrictions upon the exercise of every right. A man may, generally, 'do what he likes with his own,' but he may not set fire to his own house if it stands between two others, not his own. The exercise of his right over his own property is restricted by moral and legal considerations—is, in a certain sense, a trust for the public benefit. The franchise may also, in the same way, be without inconsistency, both a right and a trust.

We cannot agree with Mr. Mill in his optimist view that 'communism would even now be practicable amongst the *élite* of mankind, and may become so among the rest' (p. 55). If the former part of the proposition be in any sense admissible, the term *élite* must be so restricted in its application as to include very few individuals. There is no combination of circumstances existing at the present day so favorable, by many degrees, to communism as was the condition of the early Christians. Communism will never again have so fair a trial as it had when 'as many as were possessors of lands or houses sold them and brought the prices of the things that were sold, and laid them down at the apostles' feet, and distribution was made unto every man according as he had need.' 'But a certain man named Ananias, with Sapphira his wife' succeeded in proving the inapplicability of the system even to those who must be regarded as having been the '*élite* of mankind,' considered with reference to the moral qualities essential to the practice of Communism.

Similar optimism appears in the following passage. 'We, need not suppose that when power resides in an exclusive class, that class will knowingly and deliberately sacrifice the other classes to themselves.' Instances will occur to the mind of every one of legislation in which it is obvious that there was something more (and worse) than the mere 'overlooking of the interest of those excluded' from political power and opportunity of representing their view of the case. The atrocious Penal Laws; the systematic sacrifice of Irish to English interests real or supposed, by the English Crown and Parliament; the maintenance of the Corn Laws by the agricultural interest; the Game

Laws still unrepealed; the refusal of any security for 'tenant right' by a parliament from which tenant farmers are practically excluded; are but a few out of many examples. The suggestion by wealthy natives of this country that a poll-tax should be substituted for the Income-Tax shows the feeling, co-extensive with human nature, from which 'class legislation' springs: and proves that there is no necessary connection between selfishness and the development, greater or less, of the pigmentary layer of the human skin. May we take another example from India in the proposal to exempt the Civil Service from the pre-Wilsonian Income-Tax? Or shall we accept the explanation, rather diffidently offered, of so extraordinary and suspicious a proposition?

Nor does Mr. Mill believe that the classes which do participate in the government have in general any intention of sacrificing the working classes to themselves; although he admits that 'they once had that intention; witness the persevering attempts so long made to keep down wages by law.' It is not very long since the ten hours Factory Bill was bitterly opposed by the mill owners, because it was supposed to be detrimental to their own interest, not on politico-economical principles on which is based the disapprobation of such measures by writers in the Westminster Review and others. Recent investigations into branches of manufacture not affected by the ten hours Bill have shown the necessity of extending it or similar protection to other victims of trade. We shall be agreeably disappointed if such a measure is allowed to pass without strenuous opposition, on self-interested grounds alone, from the 'masters.'

Mr. Mill's discussion of the cases in which representative government is inapplicable, (chap. IV.) need not detain us long. No one doubts that representative institutions are applicable to England and those of her colonies into which they have been introduced. It is equally certain that they are *not* applicable to this country, in its present condition. One passage we shall quote, in which though India is not named, she would seem to have been present to the writer's mind.

'The case most requiring consideration in reference to institutions is the not very uncommon one, in which a small but leading portion of the population, from difference of race, more civilized origin or other peculiarities of circumstances, are markedly superior in civilization and general character to the remainder. Under these conditions government by the representatives of the mass would stand a chance of depriving them of much of the benefit they might derive from the greater civilization of the superior ranks: while government by the representatives

‘ of those ranks would probably rivet the degradation of the
‘ multitude, and leave them no hope of decent treatment except
‘ by ridding themselves of one of the most valuable elements of
‘ future advancement. The best prospect of improvement for a
‘ people thus composed is in the existence of a constitutionally
‘ unlimited, or at least a practically pre-ponderant, authority in
‘ the chief ruler of the dominant class. He alone has by his posi-
‘ tion an interest in raising and improving the mass, of whom he
‘ is not jealous, as a counterpoise to his associates of whom he is.
‘ And if fortunate circumstances place beside him, not as controllers
‘ but as subordinates, a body representative of the superior caste,
‘ which by its objections and questionings, and its occasional out-
‘ breaks of spirit, keeps alive habits of collective resistance, and
‘ may admit of being, in time and by degrees, expanded into a
‘ really national representation * * * the nation has then the
‘ most favorable prospects of improvement which can well occur
‘ to a community thus circumstanced.’ (pages. 81 82).

With little change we think this passage is applicable to the past and present government of India. Substituting for ‘chief ruler’ the collective Civil Service, and taking the unofficial European community, (including, of course, the newspaper press), as the ‘body, representative of the superior caste’ &c, we have a tolerably accurate representation of the Anglo-Indian Government.

The chapter on the proper Functions of Representative Bodies is one of the most important in the book. We shall briefly notice some of its leading points and practical suggestions.

First, then, the admirably exact balance of power among three constituent forces, for which the British constitution is popularly lauded, does not, and cannot exist. ‘The power of
‘ final control is as essentially single, in a mixed and balanced
‘ government, as in a pure monarchy or democracy,’ (p. 86) :
and in the British Constitution the House of Commons is ‘the
‘ real sovereign of the state.’ By the letter of the constitution, Crown, Lords, and Commons each possess unlimited power of obstructing all the business of government. ‘Nominally, there-
‘ fore, each body is invested with equal power of thwarting the
‘ others;’ and so far the equilibrium is exact. But this possibility of obstruction is effectually over-ruled by the ‘unwrit-
‘ ten maxim of the constitution—in other words, the positive
‘ political morality of the country.’ This, for instance, renders it impossible for the Crown to retain a Minister who is unsupported by a majority of the House of Commons, although there is no obstacle in the letter of the constitution. This rendered possible not long since, to the surprise of many, the exercise

of a dormant power in the House of Lords to reject a money-bill which had passed the other house: and the same 'constitutional morality' will probably prevent the repetition of the experiment: for the national conscience in matters political is susceptible of modification—of increased refinement or of deterioration. The unwritten rules which may be said to constitute it are 'only effectual, and maintain themselves in existence 'on condition of harmonizing with the actual distribution of real 'political strength.' As therefore the latter changes, so will the national views of constitutional morality.

Secondly, Mr. Mill strongly condemns the tendency of representative bodies to interfere more and more in the details of administration. It is their proper function to control the performance of these details, not themselves to do the business of Government. It is theirs to deliberate and discuss, 'to secure 'hearing and consideration to many conflicting opinions.' But their interference in details of administration, however well meant, is almost always injurious. In regard to them their duty is 'not to decide them by their own vote, but to take care 'that the persons who have to decide them shall be the proper 'persons.'

Thirdly, 'it is equally true, though only of late and slowly 'beginning to be acknowledged, that a numerous assembly is as 'little fitted for the direct business of legislation as for that of 'administration' (p. 97). We have little hope that the House of Commons will ever be induced to give up the privilege which they now enjoy, and of which they freely avail themselves, of tinkering at the Statute Book. Nor is the mischief confined to the Lower House. It is not long since we saw a measure of the utmost importance to the commercial world—the consolidation and amendment of the Bankruptcy Laws—ruthlessly mangled, before its parents' eyes, by the House of Lords* to whom Mr. Mills attributes, we think justly, less fondness for meddling, and better practice in the matter of legislation, than to the Commons. Instances of the mischief and absurdities resulting from the present system of legislation might be specified to an extent sufficient to convince and convert any people less conservative of anomaly than the English. Clauses interpolated and amendments carried in thin and weary houses, rendering the Act nugatory or self-contradictory, and requiring an amending

* We may observe in passing that the interference of the House of Lords in this case has not been without suspicion of having been dictated by class-feelings.

At next session, are not unusual results of House of Commons legislation. The case is well known in which the punishment attached to some crime was 'amended' from fine to imprisonment, (or whipping,) while the succeeding clause awarding 'half the amount' to the informer remained unchanged. Nor is the time wasted in the discussion and re-discussion of every separate clause in a 'miscellaneous assembly,' consisting of sciolists and the absolutely ignorant as well as of the learned in law, and conceding to all three classes, equally and alike, unlimited power of speech-making, the least evil of the present system.

The main features of Mr. Mill's proposed remedy for it may be stated in a few words. All Bills should be prepared by a commission of legislation, the members to be appointed by the Crown, for a term of five years, unless removed for personal misconduct, or refusal to draw up a Bill ordered by Parliament. Either house should have power to accept, reject, or send back to the commission a Bill; but not to alter it. It is difficult to conceive any objection to this plan, and impossible not to see the immense advantages which would result from its adoption. The appointment of a Legislative Member in the Indian Legislative Council has amply illustrated by its results the benefit of entrusting the preparation of Bills to trained professional lawyers: and this is an example which our readers will, perhaps, more fully appreciate than Mr. Mill's instance of the Athenian *Nomothetæ*.

We must now leave this important chapter after briefly pointing out Mr. Mill's opposition to a loud and frequent cry of the present day, that there is too much 'talk' in Parliament.

'I know not,' he says, 'how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom some such body have reposed their confidence. * * * Such "talking" would never be looked upon with disparagement if it were not allowed to stop "doing," which it never would if assemblies knew and acknowledged that talking and discussion are their proper business, while *doing*, as the result of discussion, is the task not of a miscellaneous body, but of individuals specially trained to it: that the fit office of an assembly is to see that those individuals are honestly and intelligently chosen, and to interfere no further with them, except by unlimited latitude of suggestion and criticism, and by applying or withholding the final seal of national assent.' (p. 105-6.)

Having vindicated representative government from the supposition of essential inferiority to 'simple monarchy' in energy, and to aristocracies in steadiness and prudence—in the latter case by pointing out that the aristocracies 'which have been remarkable in history for sustained mental ability, and vigour in the conduct of affairs' have been really bureaucracies—Mr. Mill compares representative democracy with bureaucracy, as regards the intellectual attributes of the two forms of government. The result is, on the whole, unfavorable to the latter, even after the admission that it 'has in some important respects, greatly the advantage.' We experience, in this country, some of the disadvantages of bureaucratic government, and can appreciate the remark that 'the disease which afflicts,' such Governments, 'and which they usually die of, is routine.' Russia and China are cited as striking examples. The necessity of 'an outside element of freedom to enable' a bureaucratic Government 'to do effectually or permanently even its own business' and its powerlessness to do other things which a free Government can do, are shown. We then come to an examination of the evils likely to result in a representative system of government from preponderance of interests more or less conflicting with the public good.

That this cause is the source of most of the evils incident to monarchical and aristocratic governments—that the monarch or the aristocracy has interests opposed to those of the community and will rule so as to promote them—is undeniable. But it is equally certain, though not, perhaps, equally apparent, or equally universally admitted, that democracy in its false, but most ordinary sense—government by the numerical majority—is by no means free from similar injurious influences. It is more than possible that class interests may preponderate to such a degree as to overwhelm 'impartial regard for the interests of all.'

'One of the greatest dangers, therefore of democracy, as of all other forms of Government, lies in the sinister interests of the holders of power; it is the danger of class legislation, of government intended for, (whether really effecting it or not) the immediate benefit of the dominant class, to the lasting detriment of the whole.' (pp. 127-8). The security against this great evil 'would be that no class, and no combination of classes likely to combine shall be able to exercise a preponderant influence in the government.'

This security can be provided only by the REPRESENTATION OF MINORITIES.

It will be startling to many to hear, on Mr. Mill's authority, that there is not at present any example of 'democracy,' in its

only proper sense. The distinction between true and false democracy cannot be too frequently or forcibly impressed upon the public mind. The ordinary objections to democratical government are applicable only to the latter. It is difficult to understand how any politician, unblinded by inveterate prejudice or class interest, can object to the former, at least in its theoretical expression, however he might differ from others in his opinion upon the best way of working out the theory into practice. The vitally important distinction between true democracy and its spurious representative—the disfranchisement of minorities constituting the essential vice of the latter—cannot be more briefly or forcibly stated than in the following passages from Mr Mill's seventh chapter.

‘Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, according to the definition, is the government of the whole people by the whole people, equally represented. Democracy, as commonly conceived and hitherto practised, is the government of the whole people by a mere majority of the people, exclusively represented. The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege, in favor of the numerical majority, who alone possess practically any voice in the State. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of minorities.’ (pp. 131-2) ‘In a really equal democracy, every or any section would be represented, not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of representatives.’ (p. 133). ‘Now nothing is more certain than that the virtual blotting out of the minority is no necessary or natural consequence of freedom; that far from having any connexion with democracy, it is diametrically opposed to the first principle of democracy, representation in proportion to numbers. It is an essential part of democracy that minorities should be represented. No real democracy, nothing but a false show of democracy, is possible without it.’ (P. 137-8).

Such are our author's opinions upon this important subject. Our readers can judge of their soundness for themselves. The means by which the required representation of minorities may be secured we cannot now discuss. Suffice it to say that Mr. Hare's plan, (which has obtained Mr. Mill's unqualified approbation), appears perfectly feasible and capable of fully effecting its object. Let us add that this or a similar measure is eminently

worthy of conservative support. The time is probably not far distant when the only alternative to such fair and equal representation of, and government by all, will be government by the numerical majority. We see and do not admire, the consequences of the latter in the United States. We cannot but fear that in this matter delay is dangerous. Extension of the suffrage in England is ultimately inevitable; however long it may be staved off by the 'governing classes.' Every step in this direction has obviously a tendency to substitute the 'class ascendancy of the poor for that of the rich.' We agree with Mr. Mill in believing that this class ascendancy is not at present desired by the working classes of England, and that they 'would as yet be content with protection against the class legislation of others, without claiming the power to exercise it in their turn.' But how long such moderation may continue, none can tell. And let it be remembered that in matters of franchise, and admission to political power, retrogression is impossible. Once let the 'numerical majority' in England bear sway, as they do in the United States, and nothing (short of a bloody revolution) can wrest their power from their hands. Security against this calamity would be cheaply purchased by concession of equal representation to all.* It is the only price and should be quickly paid. Given, then, a constitution in which minorities were fairly represented, and government by the numerical majority, or by class interests, should be almost, or quite, impossible. Mr. Mill would bestow the franchise upon *every adult*, with some restrictions to be specified hereafter. Universal suffrage (the expression '*manhood* suffrage' is not, as we shall see, sufficiently comprehensive), would be based upon two considerations—the intellectual and moral improvement of the people by participation in political acts, and the fact that 'it is a personal injustice to withhold from any one, unless for the prevention of greater evils, the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people. If

* In an article in the August number of *Fraser's Magazine*, on the causes of the disruption of the American union, an article as vituperative and virulently anti-American as the *Saturday Review*, so much so that the Editor felt himself compelled to disclaim participation in its views—the Representation of Minorities is opposed on the ground that the minority is already virtually effective, inasmuch as it countervails a number of the majority equal to itself! To give it more influence than it thus exerts would be to bring it forward into action a *second time*. Now it is clear that what either a majority or a minority wants is to have its wishes and opinions represented. Those of the majority are represented through the effective influence of their un-neutralised portion. Those of the minority are not represented at all.

‘he is compelled to pay, if he may be compelled to fight, if he is required implicitly to obey, he should be legally entitled to be told what for; to have his consent asked, and his opinion counted at its worth, though not at more than its worth.’

On the latter ground for universal suffrage it is unnecessary to dwell. The ‘greater evils’ being *ex hypothesi* prevented, the principle involved must be conceded.

In proof of the former—that the exercise of political functions, and consequent discussion of political questions, are potent influences in the intellectual cultivation of a people—M. de Tocqueville’s estimate of the American people is cited; his observation that every American is in some sense both a patriot and a person of cultivated intelligence, corroborated by the evidence of other travellers; and his demonstration of the close connexion between these qualities and the democratic institutions under which they live. ‘No such wide diffusion of the ideas, tastes, and sentiments of educated minds, has ever been seen elsewhere, or even conceived of as attainable.’

We are merely giving an outline of Mr. Mill’s views upon the extension of the Suffrage, as stated in his Eighth chapter, without adding comment or opinion of our own. It only remains to specify the restrictions, before alluded to, which our author would impose.

Firstly, none should vote who could not read, write and ‘perform the common operations of arithmetic.’ The opportunity of acquiring this moderate amount of education should be provided by society; and ‘universal teaching must precede universal enfranchisement.’

Secondly, those who elect the men who vote the taxes, should themselves pay something towards the taxes imposed. Other exclusions separately specified by Mr. Mill would seem to be implied in this one. For instance, recipients of parochial relief should be peremptorily disqualified. The certificated bankrupts and insolvents until debts are paid, or satisfactory proof adduced of independence on eleemosynary support, are also excluded. Non-payment of taxes, not arising from inadvertence, should also disqualify. To the category of exclusion convicted criminals should, we presume, be added; though they are not mentioned by Mr. Mill explicitly, nor apparently included in any of his specified classes. We must not omit to notice that one class, comprising more than one half of the adult population, but, nevertheless, ruthlessly disfranchised by most even of the wildest democratic theorists, is *not* excluded from political power and privileges by Mr. Mill. We cannot pause to give a summary

of the arguments in favor of giving votes to *women*, equally with men. There will be to many minds, something ludicrous in the proposal, whether there be any justification for a smile or not. We shall only remark that it will be easier to laugh at the idea of extending the franchise to women, than to reply to Mr. Mill's arguments in its favor, or even to show that, though logically defensible, the thing is practically inexpedient. The latter is the line usually adopted by opponents when they condescend to consider the question as worthy of serious argument.

Plural voting, based, not upon pecuniary differences, but upon educational superiority, would form an essential constituent of Mr. Mill's electoral system. 'Superiority of influence in consideration of property' is, in his opinion, 'entirely inadmissible, unless as a temporary makeshift.' So-called superiority of birth would, we should suppose, be equally inadmissible, but our author does not say so, and elsewhere guards himself most carefully against the imputation of wishing to abolish the House of Lords as at present constituted. Property he admits to be a rough test of education; but believes in the possibility of approximately ascertaining different degrees of mental superiority, to which alone superiority in electoral influence should be conceded. In the absence of 'a really national education or a trustworthy system of general examination,' the nature of a person's education is some test. Thus, the unskilled laborer, the skilled laborer, the employer of labor, the tradesman, the banker, merchant or manufacturer, members of liberal professions or graduates of universities, may be supposed, from the nature of their respective employments, to possess different degrees of intelligence and would enjoy plurality of votes accordingly. It only remains to add 'that it is an absolutely necessary part of the plurality scheme that it be open to the poorest individual in the community to claim its privileges if he can prove that, in spite of all difficulties and obstacles, he is, in point of intelligence, entitled to them.' Such is Mr. Mill's plan for giving due weight to education and mental superiority. Although the principle of plural voting has been sanctioned by practice in some cases of local taxation—the plurality being, however, dependent upon the amount of tax paid by the voter—we cannot think that there is any probability of Mr. Mill's, or similar, suggestions being acted on. Educational and mental superiority must rest content with the influence which the cultivated mind exercises over the uncultivated, and the partial representation of the Universities.

The question discussed in the ninth chapter—whether there should be two stages of election; that is, whether the people should elect electors who should choose the members of Parliament—appears to us to be completely disposed of by the conspicuous failure of the system in one remarkable instance. Article II. Sect. 2. of the Constitution of the United States thus provides for the election of the Federal President.

‘Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; * * *’

These Electors are now, in all the states, as our readers are aware, chosen directly by the people. Their mode of electing the President and Vice-President of the union is thus laid down in the Amendments to the constitution, Article XII.

‘The Electors shall meet in their respective States, and vote by ballot for President and Vice-President * * * ; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately by ballot, the President. * * *’

The evident object which the framers of the constitution had in view, in devising this somewhat complicated machinery for the election of the President, and Vice President, was to interpose a select body of Electors between the people and the actual choice of the President. The Electors were, not only nominally, but really to choose, according to the best of their judgement, the most eligible of those who had offered themselves as candidates to fill the highest offices of the Federation. But we know that this system has altogether failed in practice. The Electors are chosen, not on account of their supposed fitness to select the best of the candidates, but because they are pledged to vote for particular men—the pre-determined choice of the primary electors. The Presidential Electors for every state once known, the

future President and Vice-President are also known. The subsequent examination of the Electors' voting papers, and promulgation of the result of the election, on the fourth of March, are as unnecessary, and as complete a 'sham,' as the report of the choice of an English bishop by the Dean and Chapter, pursuant to the *congé d'élire*.

There is one case in which election by two stages is found practicable, and the result decidedly satisfactory. This is when the electors are not chosen solely or primarily for the purpose of the election, but perform the latter function in addition to other equally or more important duties. They are not, therefore, pledged to vote for any particular person or persons. The members of the United States Senate are thus chosen by the Legislatures of their respective states. It is found that this plan ensures the presence in the Senate of the ablest politicians that the country produces. It cannot be denied that the Senate contrasts most favorably with the House of Representatives, the product of direct popular election.

Another instance of secondary election occurs to us, which, we believe, works well in practice. The lower house, in the Norwegian constitution, selects (from its own body) the members of the upper chamber.

With regard to the mode of voting, considered in the tenth chapter, we shall say little more than that Mr. Mill is opposed to the ballot in the election of parliamentary representatives. He admits that cases may occur, and have occurred, in which vote by ballot would be, or would have been, the less of two evils. 'Thirty years ago,' he says, quoting from his pamphlet on Parliamentary reform, 'it was still true that, in the election of members of parliament, the main evil to be guarded against was that which the ballot would exclude—coercion 'by landlords, employers, and customers' (p. 195). We have no doubt that such coercion is still practised to a much greater extent than our author seems to suppose. This is especially the case in one part of the United Kingdom, where, in addition to landlord coercion, a still more pernicious influence than any of those particularised by Mr. Mill is systematically brought to bear upon the electors—the influence of a violent, illiberal, and politically uneducated clergy. Whether the ballot would be a remedy for this last evil or not, we cannot pause to discuss; but it would seem to be a case in which on Mr. Mill's principles, secret voting would be not only admissible but desirable.

With regard to India, difficult as it is to conceive the people, or any large proportion of them, as capable of being entrusted

with the franchise, it is still more difficult to imagine them as exercising it without the ballot, or some other protection against external pressure.

Mr. Mill's 'decisive reason why the argument does not hold, 'from the use of the ballot in clubs and private societies to its 'adoption in parliamentary elections', does not appear to us at all conclusive. 'A member of a club is really' he says, 'what the 'elector falsely believes himself to be, under no obligation to consider the wishes or interests of any one else'. We think that the member of a private club is bound to consider the interest both of the club and of the other members. The difference between the two cases appears to us, if it exist at all, to be one, not of kind, but of degree. In the case of literary and scientific societies, in which the ballot is universally employed, without objection, the voter is most certainly under an obligation to consider more than his own wishes or interests. Surely the object for which the Society was instituted ought to take precedence of these in the voter's mind; the essential difference, therefore, between political voting and that of clubs and societies, which (according to Mr. Mill) renders the use of the ballot applicable to the latter, but inadmissible in the former, does not, we venture to think, exist. Other grounds there may be, for drawing a broad line of distinction between the two cases. We are neither advocating the ballot, nor arguing against it. It is not therefore our province to discuss the subject further. We are merely expressing our opinion that Mr. Mill's 'decisive 'reason' does not appear to us by any means decisive of the question.

The recently passed Universities Election Bill is neither mentioned nor alluded to by our author. Its principle—the permission to non-resident electors to vote by letter—receives emphatic condemnation. 'The proposal which has been thrown out,' (in connexion with Mr. Hare's scheme, which involves the use of voting-papers), 'of allowing the voting-papers to be filled up at 'the voter's own residence, and sent by post, or called for by a 'public officer, I should regard as fatal' (pp. 203-4). Perhaps Mr. Mill would allow an exception in the case of University electors, in consideration of their superior education, and consequent supposed inaccessibility to certain feelings and motives, which render publicity in giving a vote desirable as a general rule. Subsequently, in some remarks upon the subject of a Second Chamber, he allows the privilege of vote by proxy—another form of absent voting—to Peers, which he would not, we presume, concede to ordinary electors.

Passing over the chapters on duration of Parliaments, and on pledges, we come to that which treats of a Second Chamber, to which we propose to devote a little attention. The use of a Second Chamber in a political constitution would seem to be to fulfil one or more of the following objects: 1st, the representation of classes or bodies otherwise unrepresented; 2nd, the operating as a check upon ultra-democratic tendencies in the more popular house; 3rd, the securing a second deliberation upon, and discussion of every question, and the consequent prevention of precipitancy; 4th, the gratification of a conservative feeling, (which some would call an 'instinct' and others a 'prejudice'), when a second chamber has existed for a long period, having at one time been useful, although now become inefficient; 5th, the representation of personal merit, as contra-distinguished from popular feeling—the constitution of a 'chamber of statesmen, a council composed of all living public men who have passed through any important political office or employment.' The last is Mr. Mill's notion of what an upper chamber ought to be, and we shall give presently, in greater detail, his views as to the proper constitution of such a house.

The typical example of a *representative* upper chamber is presented by the congress of the United States. The senate at Washington consists of members, two from each state; whether it be New York, which sends thirty-five members to the House of Representatives, or Delaware or Florida which sends but one. The senators represent the states. We know of no other instance in which the upper House is purely representative of classes or interests which are not, or may not be, fully represented in the other branch of the Legislature.* The English House of Lords is obviously not an instance of the kind.

Mr. Mill attaches little importance to the existence of a Second Chamber as a restraint upon the democracy. If the democratical feeling in the popular House be supported by the public feeling of the country—as it is sure to be if the House be really representative—an aristocratic chamber will be powerless as a check. He says:—'I cannot believe that in a really democratic state of society the House of Lords would be of any practical value as a moderator of democracy. The really moderating power in a democratic constitution, must act in and through the democratic House.' (p. 234). Nor, is a second chamber necessary in order to 'prevent precipitancy and compel

* The Roman Senate was at first a purely elective and representative body. The Prussian Upper Chamber is partly composed of members representing 'the landed interests.'

'a second deliberation; for it must be a very ill-constituted representative assembly in which the established forms of business do not require many more than two deliberations.'

We shall now give, as briefly as possible, an abstract of our author's suggestions for the composition of a senate after his own heart, 'if the place were vacant;' and for the grafting of an efficient upper chamber upon the present House of Lords, the absolute extinction of which he appears not to hope for and certainly does not expect. It would be a mistake to suppose that discussions or suggestions upon this subject are destitute of all practical interest. There are not wanting signs that the supineness, and neglect of public duty, of the House of Lords are beginning to attract attention and produce dissatisfaction in a people not disposed to be exacting in the case of their hereditary legislators. A recent instance in which youthful peers not previously known to enter their House, except for purposes of parade, mustered strongly at the crack of the party whip, to vote upon a question of whose merits they knew nothing, and about which they cared nothing—a question, moreover, which they decided in opposition to the deliberate opinion of the popular branch of the legislature—has done much to strengthen a growing feeling in the country that the House of Lords needs Reform, from which neither Crown nor House of Commons has escaped. The attempt to introduce life peerages, in the case of Lord Wensleydale, unfortunately unsuccessful, was an exponent of the prevalent opinion that the constitution of the hereditary House is capable of improvement. The following extracts from an article which appeared some months ago, in a journal whose leanings are anything but democratic, are even more important evidence of the fact that Reform of the House of Lords, if not imminent, is at least not very far distant; and that, consequently, consideration of the subject by statesmen, and suggestions by Mr. Mill, are not of merely speculative interest.

'On ordinary nights,' we are told, 'the usual audience [in the House of Lords] will be about six—two ministers, two chiefs of opposition, a young peer who hopes to get a chance of speaking, and a Bishop meditating upon the approach of dinner-time. There is no kind of animal to which the Peers show such a determined and inflexible dislike as to a young member of their own body afflicted with a taste for public affairs. With one or two exceptions * * * the succession of Peers is absolutely cut off, and the future eminence of the house depends entirely upon the recruits it receives from the House of Commons. [e. g. Lord Lyveden and Sir C. Wood?] 'The most pernicious

‘alternative to which we can be reduced is that of a sham second chamber, itself only taking a perfunctory part in the business of legislation, and yet by its presence excluding the possibility of a more efficient substitute.’

Mr. Bright himself would scarcely describe the supineness and inefficiency of the House of Lords in severer terms than these, extracted from the columns of his relentless, and not unfrequently scurrilous, enemy, the *Saturday Review*.

The members of Mr. Mill's Senate, if the ground were clear to build upon anew—or the members whom he would add to the existing chamber, since ‘any second chamber which could possibly exist would have to be built upon the foundation of the House of Lords’—would be as follows: the members of the Legislative Commission before described; heads and ex-heads of the superior Courts of Law and Equity; puisne Judges of five years standing; all who have held any Cabinet Office for two years; or who have been Commanders-in-Chief, or have been thanked by Parliament for military or naval services; Governors-General of India or British America, and Colonial Governors of ten years standing; and all who had filled for ten years the offices of Under-Secretary to the Treasury, permanent Under-Secretary of State, or equally important appointments. ‘The functions conferring the senatorial dignity should be limited to those of a legal, political, military or naval character, scientific and literary eminence are too indefinite or disputable.’ We are not prepared to agree with our author in his exclusion of science, art, and literature from his proposed Senate. Any one could enumerate many such names as Owen, Faraday, Herschel, Tennyson, Brodie, Stokes, whose eminence is definite and indisputable. The Crown might have a limited power of nomination to the Senate, with the restriction of having to state officially the ground of each selection. The control of public opinion would ensure the nomination, as a general rule, of only really eminent scientific and literary men. Some bad appointments would doubtless be made; but we in India can conceive cases in which the elevation *ex officio* of ‘Secretaries of State’ to the upper chamber would add neither special knowledge nor political wisdom to Mr. Mill's model senate. It being ‘out of the question to think practically of abolishing’ the present house of Lords, Mr. Mill would add to it the members specified above, as life peers. He would go farther still in the way of reform, by admitting the hereditary peers only by representatives; as the Irish and Scotch peerages are now admitted, ‘which the mere multiplication of the order will probably at some time or other render inevitable;’ and he would apply to

the election of representative peers Mr. Hare's plan for ensuring the representation of minorities.

We have already casually mentioned that the Second Chamber in the Norwegian Constitution is elected by the other. Mr. Mill suggests this plan as 'another possible mode of forming a 'second chamber'; but adds the restriction 'that they should not 'nominate any of their own members.'

The body which Mr. Mill would construct, partly out of the present House of Lords, and partly of new and sounder material, would resemble, (one important point excepted) the Roman *Senatus* in its period of full development and most brilliant and successful administration. In it, certain high officials, who had been chosen to fill their offices by the people, were entitled to a seat when this term of duty had expired, unless disqualified by misconduct, and in consequence passed over, (*præteriti*) by the censors. These members corresponded to the proposed life peers, who would become members of the Chamber *ex-officio*: and, though not immediately, would be indirectly chosen by the people, either through the control of public opinion and the press, (as in the case, for instance, of Judges,) or by their representatives in the Lower House, who may be said to choose Secretaries of State and similar officials. Besides these *ex-officio* members, the censors filled up vacancies from the *Equites*, as the Crown creates Peers out of a corresponding rank, and with, apparently, as little restriction as is placed by public opinion in England upon the exercise of this prerogative of the Crown. The essential difference between the Roman and the reformed English Senate would be the hereditary principle, which could not readily be eliminated from the latter, while in the former the senators were merely 'peers for life.' The presence in the Chamber of members destitute of every qualification for their important office, would probably result as frequently from partiality on the part of the Censors or other selecting officers, in the Roman Senate, as it does from the hereditary principle in the British House of Lords. There would be a striking resemblance between the two senates, in composition and in results.

In many modern Second Chambers, (which, forming part of written constitutions, may almost be called 'artificial' in contrast with such bodies as the Roman Senate and English House of Lords, the result of growth and modification, through the course of centuries), the members are elected directly by the people, in the same way as the members of the lower House. The Senates of the several States, united to form the American Federation, are thus elected. In Canada, the province is divided into forty-eight sections, each of which returns one member to

the Upper House. One fourth of these are elected every two years, and the twelve go out of office at the end of eight years. This House, we may add, can neither be dissolved by the Governor-General, nor is it, like the lower Chamber, limited to an existence of four years. The Senate of the Spanish Cortes, which dates from 1845, is differently constituted. The members are all nominated by the Sovereign, who is, however, restricted in his choice to persons who hold, or have held, high offices in the state, and to the class of hereditary grandees whose annual income is not less than about £212, (30,000 reals). This Chamber seems to have been modelled after the Roman Senate.

At the risk of exciting a smile we shall bring forward one more example of a popularly elected second chamber; or perhaps we should rather call it an executive council. In that most amusing travesty of a 'free constitution,' which England, as bound by treaty, bestowed upon the 'protected' Ionian Islands, the Lord High Commissioner selects from the 40 members of the House of Assembly, a senate, or council, or rather Ministry of six. The House of Assembly, (which sits nominally for three months every second year, but has of late been in a state of chronic prorogation), is elected by the people, with the trifling restriction that the members must be chosen from a list sent to each Island previously to election—the list containing the names of those whom the Lord High Commissioner deems eligible as representatives. The reason naïvely given for this modification of popular election is, that if the Islands were left to themselves they would return none but deputies of the anti-English party, which would be troublesome to Government! But, as we know, even this ingenious device has failed to secure an 'English' House of Assembly.

Our waning space compels us to hurry over the remaining chapters of the work. We can only mention a few salient points and these chiefly with reference to India. It is impossible to read Mr. Mill's suggestions for Councils, to assist with their advice and special knowledge, 'the military and naval ministers, 'and probably several others,' without having the unfortunate Indian Council and the self-complacent sciolist who snubs it, brought forcibly to our minds. We commend the following passage to the attention of Sir C. Wood.*

* It is eminently characteristic of this gentleman with whom we are at present afflicted, that while other Ex-First Lords of the Admiralty, examined by a parliamentary committee, spoke with more or less caution about the power which they were entitled to exercise in all Admiralty matters, he boldly declared that he, when First Lord, did just what he pleased! We can readily believe it.

'The Councils should be consultative merely, in this sense, that the ultimate decision should rest undividedly with the minister himself; but neither *ought they to be looked upon or to look upon themselves as cyphers, or as capable of being reduced to such at his pleasure.* The advisers attached to a powerful *and perhaps self-willed* man ought to be placed under conditions which make it impossible for them, without discredit, not to express an opinion, and impossible for him not to listen and consider their recommendations, whether he adopts them or not. The relation which ought to exist between a chief and this description of advisers is very accurately hit by the constitution of the Council of the Governor General and those of the different 'Presidencies in India' (pp. 246-7).

We cannot forbear quoting Mr. Mill's opinion upon the value of these Indian Councils. Some of our readers may think our author's praise excessive, and his view of the value of the 'traditions of Indian Government,' altogether unsound. The question can be decided by experience alone. We *may* be about to enter on a course of unbounded prosperity, with an absolutely perfect Army, Civil Service, and Judiciary under that panacea for all Indian ills—the 'direct government of the English Crown.' We *may* live to regard the destruction of the old Company, in spite of all its faults, (and they were many) as a measure hastily and inconsiderately suggested, accomplished by misrepresentation and fraught with jobbery, mismanagement and disaster. Time will tell. Meantime hear Mr. Mill.

'This mode of conducting the highest class of administrative business is one of the most successful instances of the adaptation of means to ends, which political history, not hitherto very prolific in works of skill and contrivance, has yet to show. It is one of the acquisitions with which the art of politics has been enriched by the East India Company's rule; and like most of the other wise contrivances by which India has been preserved to this country, and an amount of good government produced which is truly wonderful considering the circumstances and materials, it is probably destined to perish in the general holocaust which the traditions of Indian government seem fated to undergo, since they have been placed at the mercy of public ignorance, and the presumptuous vanity of political men. Already an outcry is raised for abolishing the Councils, as a superfluous and expensive clog on the wheels of government; while the clamour has long been urgent, and is daily obtaining more countenance in the highest quarters, for the abrogation of the professional Civil Service, which breeds the men that compose the Council, and the

'existence of which is the sole guarantee for their being of any 'value.' (p. 248.)

In this chapter, which is devoted to the consideration of the Executive in a Representative Government; the question of competitive examination for admission into the public service is discussed, or, perhaps, we should rather say, the popular objections to the system are answered, as it appears to us, conclusively. We regret that we cannot extract the whole argument, but must confine ourselves to one passage, referring to a matter which made some noise not long since in this country.

'We are next informed that book-worms, a term which seems 'to be held applicable to whoever has the smallest tincture of 'book-knowledge, may not be good at bodily exercises, or have 'the habits of gentlemen. This is a very common line of re- 'mark with dunces of condition; but whatever the dunces may 'think, they have no monopoly of either gentlemanly habits or 'bodily activity. Wherever these are needed, let them be inquir- 'ed into, and separately provided for, not to the exclusion of 'mental qualifications, but in addition. Meanwhile, I am credibly 'informed, that in the Military Academy at Woolwich, the com- 'petitive cadets are as superior to those admitted on the old 'system of nomination in these respects as in all others; that 'they learn even their drill more quickly; as indeed might be ex- 'pected, for an intelligent person learns all things sooner than a 'stupid one: and that in general demeanour they contrast so 'favourably with their predecessors, that the authorities of the 'institution are impatient for the day to arrive when the last 'remains of the old leaven shall have disappeared from the place.' (p. 263.)

We can ourselves state, from the experience of eight years' residence in a university, that the most successful and distinguished candidates for honors were, as a rule, fully equal, and frequently superior, to the 'dunces' in *physique*, and excellence in athletic sports.

The question of Nationality (Chap. XVI.) has little interest for us Anglo-Indians. It is very doubtful whether such a feeling exists among our native fellow-subjects. Attachment to creed or caste would seem to have taken its place. It is quite clear that the prevalence of a feeling of nationality coextensive with the Indian Peninsula, or even with one of our Presidencies would render the English tenure of India insecure, if not impossible. But all the generating causes of national feeling, enumerated by Mr. Mill, are, fortunately for the ruling power, absent in India. Identity of race and descent, community of language or religion,

well-marked geographical limits, the possession of a common national history, are in this case, wanting. It is true, as Mr. Mill remarks, that none of these is indispensable, or in itself sufficient, to create a feeling of nationality; but when all are absent national feeling can scarcely exist. Differences of race, creed and language have split up the people of India into sections, which may, at some future time, combine to form a Federation, but can never constitute a nationality. The attachment of the native to the village where he was born and bred is the undeveloped germ of patriotic feeling, which may hereafter make him a zealous Bengalee, Hindustanee, or Mahratta, but which will never expand so as to embrace the entire Peninsula.

When we speak of an Indian Federation as a possibility in the distant future, we mean a Federal Union of Native States, conferring upon all its members a common currency, a common official language, a common tariff for external commerce, and absolute freedom of internal trade. Of course it is necessary to suppose that the present paramount power had 'generously' withdrawn; having fitted the Indian peoples for self-government, or been driven out. This little condition fulfilled, we believe that a rude federation would be possible and beneficial in this country, between mutually independent native states, long before the people would be fitted for representative government. The German Bund is such a Federation of Sovereigns, meeting by representatives at Frankfort; but it has not conferred upon the German peoples the advantages which we have enumerated as the most obvious results of a federation.

While the English power governs India, another imperfect kind of federalism is possible, and would seem to be near at hand. Recent changes propose to give increased powers of self-government to the separate Presidencies and Lieutenant-Governorships. That this will be eminently beneficial we cannot for a moment doubt. It is the substitution of local government by those who necessarily know their own business best, for despotism, narrow-minded, centralised and over-worked, and just as little distinguished for those 'broad imperial views' of which we sometimes hear, as the minor Governments have ever been, or are ever likely to be.

Neither of these species of Federations can be considered as belonging to the class of genuine Federal Representative Governments, to which the XVIIth Chapter is devoted. Of such we know but two—the American and the Swiss—unless we add the new Confederate States to the number. And, indeed, a brief glance at the Federal constitution of the last may be neither

uninteresting nor uninformative; for it is, we believe, undeniable that the Southern states of the American Union have, since the establishment of the Federation, produced more and sounder statesmen than the North.

The authors of the Confederate States Constitution have taken as their model the old Constitution of the United States; but have introduced some important modifications. A comparison of the two documents will show what provisions of the elder Constitution have proved—at least in the opinion of Southern statesmen—unsatisfactory in practice.

The more express recognition of slavery in the new constitution was of course to be expected. The authors of the latter had neither expectation of, nor wish for the extinction of their ‘peculiar institution,’ as the founders of the Federal Republic had.

The perpetual electioneering ferment, which the election of a President every four years produces in the United States, is avoided by extending the term of office to six years. The President, moreover, is not re-eligible. This may be termed a compromise between the practice in the United States and the intention of the framers of the elder constitution. It is well known that the latter expected that the President would be as a general rule, re-elected once, and the term of tenure of the chair thus practically become eight years. Accordingly we find that the first President—Washington—the third, fourth, fifth, and seventh, that is five Presidents out of seven who governed the Republic between 1789 and 1837, enjoyed each eight years of office. Since 1837, however, there has been no instance of re-election. We may add that the old system of choosing the President indirectly, by means of Electors, is retained in the new Constitution.

The Executive Ministers are admitted to Congress for the purpose of debate. The inconvenience arising from the absence of the person most capable of giving authentic information on the subjects detailed has long been felt in the elder Congress. The innovation is an immense improvement.

Finally the wholesale dismissal of all Federal office-holders by an incoming President in order to provide places for his own supporters without any regard to the qualifications of the latter for the posts to which they are appointed as compared with the efficiency of the actual incumbents—is forbidden by the new Constitution. Removal now can only be for actual misconduct and ‘for cause stated.’ This most pernicious custom, which deprived Government of the services of experienced officials, to be replaced by men for the most part utterly ignorant of the business of their several offices, and which has moreover been attended

by boundless corruption and speculation, was introduced by President Jackson, who held office from 1829 to 1837. His vigorous and successful opposition to the former Secession movement of South Carolina in 1832 was not likely to recommend a system of which he was the author to the Southern statesmen, who are now endeavouring to found a new republic on the basis of human slavery. But the obvious disadvantages of the practice were enough to ensure its authoritative prohibition whenever an opportunity of amending the constitution should arise. *Fas est et ab hoste doceri*. We trust that 'the Northern Union will imitate their Southern enemies in the adoption of these undoubted reforms.

The last chapter is devoted to the subject of the government of dependencies by a free state. We shall pass over two of the three classes into which these are divided—military posts like Aden or Gibraltar, and colonies, like Canada and Australia—and conclude our notice of Mr. Mill's work by stating as briefly as possible his views upon the best way of ruling dependencies whose inhabitants are not yet fitted for representative government in other words his opinions upon the Government of India, past and present. We believe that the number of those who, in common with Mr. Mill, regret the extinction of the old Company, is large and increasing; who would prefer for their own sakes and in the interest of their native fellow subjects the rule of the Court of Directors, with all its short-comings, to the 'direct Government of India, by the' *inutile Lignum*, who like his Horatian prototype may have caused the man who 'made' him, some uncertainty whether the material were only fit to be 'sat upon' or might be moulded into a 'god,' i. e. a Secretary of State.

The 'ideal rule of a free people over a barbarous or semi-barbarous one' should be equivalent to a succession of despots of irresistible power, and qualified by their talents to bestow judiciously upon the subject nation the results of the experience of the ruling race. The rule should be so organized as to be a good instead of an evil to the subject people, 'providing them 'with the best attainable present government, and with the 'conditions most favourable to future permanent improvement.' The end being thus stated, 'about the worst' means of attaining it is, according to Mr. Mill, that which was demanded in 1857 with such eager clamour, and which we now enjoy—government by a British Minister responsible to the British Parliament. Even if the responsibility were not what we know it to be—altogether illusory—to 'govern a country under responsibility to the people of that country, (as is the case with the other

‘Ministers), and to govern one country under responsibility to ‘the people of another country, are two very different things.’ One is freedom; the other is despotism. The analogy, on which the inference is founded, that responsibility to parliament ensures good government at home, and therefore must be fitted for India, does not exist. This responsibility to the British Parliament of the Indian Minister is equivalent to the ‘government of one people by another,’ ‘which does not and cannot exist.’ It is a theoretical ‘despotism of twenty millions,’ assuredly not likely to be more beneficial to its subject than a despotism of a few, or of one. It is, moreover, a despotism of ‘those who ‘neither hear, nor see, nor know anything about their subjects.’

Not only are the English people unfitted, through ignorance and apathy, for the government of this country, but their interference, when exerted, is, however well intended, more likely to be injurious than beneficial. We offer no opinion of our own upon the following passage, which will appear to some exaggerated and harsh in language. It contains Mr. Mill’s view of the drawbacks which attend the presence of English Settlers, with their capital and intelligence, in India. The interference of English opinion, he says, ‘is likely to be oftenest exercised ‘where it will be most pertinaciously demanded, and that is, ‘on behalf of some interest of the English settlers. English ‘settlers have friends at home, have organs, have access to the ‘public; they have a common language, and common ideas ‘with their countrymen; any complaint by an Englishman ‘is more sympathetically heard, even if no unjust preference ‘is intentionally accorded to it. Now, if there be a fact to ‘which all experience testifies, it is that when a country ‘holds another in subjection, the individuals of the ruling people ‘who resort to the foreign country to make their fortunes, are of all others those who most need to be held under powerful restraint. They are always one of the chief difficulties of the government. Armed with the *prestige* and filled with the scornful ‘overbearingness of the conquering nation, they have the feelings ‘inspired by absolute power, without its sense of responsibility. ‘Among a people like that of India, the utmost efforts of the ‘public authorities are not enough for the effectual protection of ‘the weak against the strong; and of all the strong, the European settlers are the strongest. Wherever the demoralizing effect of the situation is not in ‘a most remarkable degree corrected by the personal character of the individual, they ‘think the people of the country mere dirt under their feet; it seems to them monstrous that any rights of the natives should

'stand in the way of their smallest pretensions; the simplest act of protection to the inhabitants against any act of power on their part which they may consider useful to their commercial objects, they denounce and sincerely regard as an injury. So natural is this state of feeling in a position like theirs, that even under the discouragement which it has hitherto met with from the ruling authorities, it is impossible that more or less of the spirit should not perpetually break out. The Government, itself free from this spirit, is never able sufficiently to keep it down in the young and raw even of its own civil and military officers, over whom it has so much more control than over the independent residents.' (pp. 328-9.)

We feel as forcibly as any of our readers can that we have taken up more space in our notice of Mr. Mill's work than our ability to treat it as it deserves, can justify. Our principal object has been to lay before those who were unlikely to read the volume itself, the most important opinions which it contains of a writer whose every word deserves respectful attention—whose views, however we may differ from them, we cannot despise. We shall conclude with one more extract accurately describing the present system of governing India, warning us of its inefficiency and inevitable failure, pointing out the right path to follow, and lamenting our deviation from its track.

'It is not by attempting to rule directly a country like India, but by giving it good rulers, that the English people can do their duty to that country; and they can scarcely give it a worse one than an English Cabinet Minister, who is thinking of English not Indian politics; who does not remain long enough in office to acquire an intelligent interest in so complicated a subject; upon whom the factitious public opinion got up in Parliament, consisting of two or three fluent speakers, acts with as much force as if it were genuine; while he is under none of the influences of training and position which would lead or qualify him to form an honest opinion of his own. A free country which attempts to govern a distant dependency, inhabited by a dissimilar people, by means of a branch of its own executive, will almost inevitably fail. The only mode which has any chance of tolerable success, is to govern through a delegated body, of a comparatively permanent character; allowing only a right of inspection, and a negative voice, to the changeable Administration of the State. Such a body did exist in the case of India; and I fear that both India and England will pay a severe penalty for the short-sighted policy by which this intermediate instrument of Government was done away with.' (p. 332).

- ART. II.—1 *A Review of Public Instruction in the Bengal Presidency, from 1835 to 1851.* By J. Kerr, M.A. Principal of Hooghly College. Calcutta: Baptist Mission Press, 1852.
2. *An Address to Parliament on the Duties of Great Britain to India in respect of the Education of the Natives, and their official employment.* By Charles Hay Cameron. London: Longman & Co. 1853.
3. *Selections from the Records of the Bengal Government. No. XIV. Papers relating to the Establishment of the Presidency College of Bengal.* Calcutta: Bengal Military Orphan Press, 1854.

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IT is fashionable to recommend education as a sovereign panacea for the moral and social diseases with which India is afflicted. 'Had the Sepoys been educated, we should have had no mutiny,' say some. 'Educate the ryots,' wrote Dr. Duff to the Indigo Commission. And the belief is gaining ground that as we English must at some time retire from the country, the earlier our native subjects are fitted by education for the work of self-government, the better. That there is truth in these views cannot be denied. Had the Sepoys been educated, they would not have been deceived by the story of the greased cartridge. Had the ryots been enlightened, they would, in resisting the despotism of the Indigo-planter, have referred their grievances to the proper authorities in a manly, constitutional way, and not have had recourse to a series of jacqueries and to an armed resistance, whose issue, so distressful to themselves, could bring with it no commensurate good. And education is indispensable to the formation of that character, without which India must fall a prey to the lust of some other conqueror the moment British authority is withdrawn from her shores. But admitting all this, we yet maintain, that there are elements of character without which no people can rise in the scale of nations or attain true manhood, an end which cannot be reached by a mere secular education. Education would have allayed, perhaps extinguished, the fanaticism of the Sepoy hosts, but it would not of necessity have made those hosts unwaveringly loyal. Education would make the ryot a skilled

labourer and discover to him his rights as a man, but it would not necessarily make him honest, or faithful to his contracts, or scornful of the deceit and trickery that underlie the Bengali character. It would introduce the people to a knowledge of the arts and sciences, and of those principles of political economy by which alone a state can be securely governed, but it would not give that moral strength which alone can prevent knowledge becoming a weapon for self-destruction.

It may be urged that though education is not the all in all, it holds an undisputed precedence among the means by which a people are to be raised in the social scale; that social amelioration is inseparable from material prosperity; and material prosperity pre-supposes such an appreciation of mechanical and scientific appliances as education alone can produce. This is true, but the converse is also true; for it is by means of their appreciation of the practical advantages of these appliances that we may hope to awaken in the minds of the ignorant, a healthy longing for that education, that power, which can command such forces.

But we can imagine a state of things in which the commercial value of appliances, such as those we have referred to, may be fully acknowledged and yet no earnest effort be made to use them. Look at the agricultural population of this country. The resources of knowledge might be brought to bear on their labour, and an increased out-turn place an increased remuneration in the hands of the ryot; and the ryot may be well aware of this. But when he is liable at any moment, and without the hope of redress, to be fleeced by a rapacious Zemindar, or a more rapacious police; when, his rights being unprotected, he is not suffered to become rich, what encouragement has he to acquire useful knowledge? If he earns but little and loses all, he will also lose all when he earns much. The increased profits of skilled labour would leave him no gainer. Does it not look like mockery to educate the ryot, whilst, to all intents and purposes, he remains the serf of the native Zemindar and the prey of a ravenous police? Does it not seem clear, that until we have made proper provision for the administration of law and justice, and the security of the rights, property and persons of our subjects, all our efforts to awaken a healthy desire for education among the lower classes must be abortive?

If, again, leaving the question of material advancement, it be urged in favour of education, that without it the people will fail to discern or appreciate the thousand subtle moral influences that pervade our civilization, we reply that for this result we

must look, not to education simply, but to a Christian education. Christianity and morality can never be dissociated, and no true moral principle can be instilled or kept alive without the aid and influence of Christian Truth. A mere secular education may increase a man's power for good or evil, but it cannot make him either better or worse. But our government has a policy, and by that policy all Christian education is rigorously excluded.

This, then, is our position. We are told on the right hand and on the left, that we must educate the people. We reply, if by educating them, you desire to advance their material prosperity, you must first administer justice among them, give them a police worthy of the name, give them roads, give them good laws, and secure to them their rights in their own persons and property. We reply, if by educating them, you desire to bring them within reach of the moral and social influences that are in activity among ourselves, you must mingle with your secular teaching the holy principles and obligations of Christian Truth, and breathe into the education you give them the spirit of that higher Life which is 'the Light of men.' We propose in the present article to view the question in this latter aspect.

The empire of the East India Company had been established for more than half a century before the Government would consent to furnish their subjects with an education likely to be of any practical use to them in the business of life. Reluctantly did they recognize the principle that it was their duty as a great and powerful Government to provide for the enlightenment of the people; with difficulty were they brought to acknowledge any necessity beyond that of maintaining the existing institutions among the people. When the East India Company became the conquerors of the land, they found a few Sanscrit and Arabic schools, the only representatives of the literary habits of their subjects. These they deemed it wise to encourage, not from a conviction that they were necessary for the social progress of the people, but in the hope that such encouragement would help to reconcile them to a foreign yoke. The College of Benares, with its doting Pundits, was the leading institution for Sanskrit literature and philosophy; and to propitiate the Mahomedan population of Bengal, Warren Hastings in the year 1781, established the Madrassa of Calcutta. Arabic and Sanscrit, the Koran and Hindoo metaphysics, were to keep India happy and contented, whilst the East India Company shook the Pagoda tree.

By the way, can any body tell us what this Pagoda tree was? Have botanists described it? Did Dr. Leyden, who we suspect came in search of it, ever find it? Like the mastodon or the

dodo, it appears to be extinct. We have heard socialists allegorize the early chapters in Genesis, with a view to show that 'the tree of the knowledge of good and evil' was money, which an inspired apostle tells us is 'the root of all evil.' The existence of this Pagoda tree furnishes a singular corroboration of their views. As such we recommend the idea to their consideration !

But to return to our subject. We have said that the Government of India were instructed to give every encouragement to Arabic and Sanscrit Learning, in order that whilst the people amused themselves with the unspeakable inanities embodied in their favourite literature, the East India Company might pluck, undisturbed, the golden fruit of the Pagoda tree. Ten years after the establishment of the Calcutta Madrissa, Lord Cornwallis sanctioned an annual grant of Rs. 14,000 towards the support of a Sanscrit College at Benares. Thus it was hoped, both Hindoos and Mahomedans would be conciliated. 'These Oriental Colleges,' writes Mr. Kerr, 'were founded as a means of conciliating the people by showing respect for their ancient learning, more especially as a means of conciliating the Pundits and Moulvies.' That this was deemed 'politic in the early stages of our empire in India' will be clear from the following observations made by Mr. Jonathan Duncan, who got up the Sanscrit College in Benares :

'Two important advantages seem derivable from such an Establishment,' he writes ; 'the first to the British name and nation, in its tendency towards endearing our Government to the native Hindoos, by our exceeding in our attention towards them and their systems the care even shown by their own native princes.'

As the establishment of a Sanscrit College promised to 'preserve and disseminate a knowledge of Hindoo Law,' so the Mahomedan College in Calcutta was made to provide 'for the instruction of students in the Mahomedan Law, and in such other sciences as are taught in the Mahomedan Schools.' Thus it was the policy of the Government to favour an educational system, if educational it could be called which had no advantage either intellectual or moral to recommend it, and which could only be turned to some little account by being associated with the administration of Hindoo and Mahomedan Law. But these institutions, towards which enormous sums of money were being paid out of the revenues of the country, failed to answer the expectations of the Government, moderate as those expectations were. To be sure the droning Pundits and lazy Moulvies had no reason to be dissatisfied, and the students, all of whom were liberally paid for

their attendance, were far from unhappy; but the trained lawyers were not forthcoming, and 'the precious libraries of most 'ancient and general learning and tradition' which the enthusiasts in the cause of Oriental learning had dreamed of, degenerated into lumber-rooms stocked from roof to ceiling with formidable piles of literary rubbish. We learn that about the year 1811, 'the subject of the decay of learning among the natives engaged 'the particular attention of the Government.' The cause of the decay was obvious. The conduct of the institutions had been left entirely in the hands of the Pundits and Moulvies, who, as long as their salaries came in with regularity, cared very little about the progress of their pupils. To revive the cause of Oriental literature, the Government arranged for the establishment of a Sanscrit College in Calcutta, to be conducted under European supervision. But the wisdom of this measure was more than doubtful. At this very time, the native mind in Bengal, tempted by the higher emoluments and other advantages it promised, began to awake to the desirableness of securing an English education. The Rajah of Burdwan, Baboo Chunder Coomar Tagore and other enlightened native gentlemen were, at this very time, meditating the establishment of a school or College which should offer facilities to the youth of Calcutta, and, indeed, of Bengal, for the study of that English literature which was fast becoming the highway to preferment and fortune. These gentlemen, we may be sure, but represented the idea that was growing and taking definite shape among the people generally, and speedily usurping the place hitherto held by a blind reverence for Oriental learning with its absurd philosophies and outrageous science. It will therefore strike every thoughtful observer that 'the decay of learning' so deplored by the Government, manifesting itself simultaneously with the newly awakened desire for an English education, was more than a simple coincidence, and that had the Government been wise, they would have at once directed their resources towards the gratification of this new-born desire for European knowledge, rather than have squandered Rupees 25,000 a year on an institution doomed, by reason of the increasingly practical tendencies of the Hindoo mind, soon to lose its hold on the popular imagination.

The Hindoo College was opened in the Chitpore Road on the 20th of January 1817, with the Governor General and Honorable Members of the Supreme Council as patrons, His Majesty's Chief Justice as President, the Chief Judge of the Sudder Court as Vice-President, a goodly array of names, European as well as native on the Committee list, and, what was most to the point,

a sum of Rs. 48,760 at the banker's. After a growing success of eight years, however, the funds of the Institution began to decline and the managers applied to the Government for aid. The Committee of Public Instruction, through whom the application had been made, was desired to observe in reply, that 'a certain degree of authoritative control in the concerns of the Institution' would be expected 'in return for the pecuniary aid proposed to be afforded.' This was conceded; but Government support being henceforward secured, the interest which the native gentlemen had taken in the success of the College began to flag, the management passed into the hands of a sub-committee of the Committee of Public Instruction, and the Hindoo College became, to all intents and purposes, a Government Institution.

The demand for English was not confined to the natives of Calcutta. A College for Persian and Hindi had been established in Agra in 1824, and had continued to be conducted on pretty much the same principles as the Colleges of Calcutta and Benares, till about the year 1833, or 1834, when the pupils expressed a desire to be taught English. 'The first step taken,' says Mr. Kerr, 'was to open an English class, to be attended for a short period of each day by recruits drawn from the Persian and Hindi departments. This did not fully meet the exigency of the case. The local committee repeatedly represented the growing demand for English instruction, and recommended the entire remodelling of the College establishment.' A similar desire showed itself in the Delhi College, in which had been taught Persian and Arabic with a little Sanscrit, since the year 1825. An English class was opened in 1828, and immediately half the pupils of the Institution requested that their names should be transferred from the Oriental to the English Department. Reported as these things were to the Supreme Government, it was not long before the authorities saw the necessity for more complete and general measures for the encouragement and support of English learning. It is probable they were also actuated in this matter by a growing conviction that it would be more economical to employ educated natives in the subordinate departments of the government than Englishmen, who needed to be sent for from home. At all events the following Resolution by Lord W. C. Bentinck, dated the 7th March 1835, will show how complete was the change which the educational policy of the state underwent:—

'His Lordship in Council is of opinion that the great object of the British government ought to be the promotion of European literature and science amongst the natives of India, and

‘that all the funds appropriated for the purposes of education would be best employed on English education alone.

‘It is not the intention of His Lordship to abolish any College or school of native learning, while the native population shall appear to be inclined to avail themselves of the advantages it affords.

‘His Lordship in Council decidedly objects to the practice which has hitherto prevailed of supporting the students during the period of their education. He conceives that the only effect of such a system can be, to give artificial encouragement to branches of learning which in the natural course of things, would be superseded by more useful studies, and he directs that no stipend shall be given to any student who may hereafter enter at any of these Institutions, and that when any Professor of oriental learning shall vacate his situation, the Committee shall report to the Government the number and state of the class, in order that the Government may be able to decide upon the expedience of appointing a successor.

‘It has come to the knowledge of his Lordship in Council that a large sum has been expended by the Committee in the printing of Oriental works. His Lordship in Council directs that no portion of the funds shall hereafter be so employed.

‘His Lordship in Council directs that all the funds, which these reforms will leave at the disposal of the Committee, be henceforth employed in imparting to the native population a knowledge of English literature and science, through the medium of the English language.’

This change of policy was not decided on without considerable opposition on the part of the Orientalists in the Committee of Public Instruction; but common sense, economy, and the generally expressed desire of the people themselves, triumphed. The case as put by Mr. Macaulay in his well known minute on the subject, the minute which elicited the Resolution just quoted, was clear and irresistible.

‘The question now before us,’ he observes, ‘is simply whether, when it is in our power to teach this language (English), we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own; whether, when we can teach European science, we shall teach systems which, by universal confession, whenever they differ from those of Europe, differ for the worse; and whether, when we can patronize sound philosophy and true history, we shall countenance at the public expense medical doctrines, which would disgrace an English farrier, and astronomy, which would

‘move laughter in girls at an English boarding-school,—history, ‘abounding with kings thirty feet high, reigns thirty thousand ‘years long,—and geography, made up of seas of treacle and ‘seas of butter.’

Much more to the same effect, and written with the same pungency and point, might be quoted; but we forbear. Lord W. Bentinck’s Resolution, raising the education of the people on a new and healthy basis, was hailed with satisfaction by all who were not wedded to old prejudices, and who had sufficient foresight to discern the social revolution it would inaugurate. The Agra and Felli Colleges received an impetus in the direction of European literature and science, which had not only tended to preserve their vitality which under the old system was fast decaying, but has made them the leading Colleges in the North-West Provinces. The Benares College, hopelessly wedded, as one might at first have thought, to the cause of Sanscrit lore and exploded systems of philosophy, was not a whit behind her sisters in the demand for English. Every Institution, existing at the time when the Resolution of 1835 was passed, seized the opportunity of acquiring a knowledge of Western literature; whilst the colleges and schools, that have sprung up since that time, owe all their popularity and success to the English department. The English School at Dacca, which has now blossomed into a College, was opened in the year 1835, and was the first Government Institution that at once created and supplied the demand for English instruction in Eastern Bengal. This part of the country has sometimes as we learn from Mr. Kerr, been styled the Bœotia of Bengal, but never was epithet more misapplied. The fertility of its soil and the security afforded by the Perpetual Settlement have had a favourable influence on the intellectual character of its people who, equally with their brethren on the Western side of Bengal, are more acute and intelligent than the population of the North-West Provinces.

It had been originally proposed that the Hooghly College, for the endowment of which certain ample funds left by Mahomed Mohsin were available, should be exclusively devoted to Mahomedan learning; but by the time the controversy between the Government and the original trustees of these funds had ended in the Government assuming the trusteeship, the movement in favour of European literature had become general, and the worthless scheme of a Madrisa was wisely made to yield to a plan for an English college. Three days after the College was opened, 1200 pupils were enrolled in the English Department,

and only 300 in the Oriental ! As the success of these English Colleges became more and more conspicuous, the Government were induced to found schools in various parts of the country ; and to these schools hundreds of pupils resort year by year, stimulated by a desire for the position and emoluments offered by an English education.

It will be clear from what we have written, that the substitution of European literature and science for Oriental learning, was a measure that originated, not with the Government, but with the people. What inference may we draw from this ? Had the Government been remiss in their support of Oriental learning ? So far was this from being the case, that the sums of money squandered on these Oriental Colleges, these haunts of vicious idleness, were not only liberal but absurd. Pupils as well as teachers were paid for their attendance. Men engaged to translate works from the learned languages, and translating them unintelligibly, were dismissed ?—No—retained ‘on a liberal salary,’ to explain their translation ! None of the countless books, for the preparation and printing of which thousands and tens of thousands of rupees were expended, ever found purchasers ; and yet more and more money was being continually voted towards the accumulation of a literature in which white ants were the only living creatures that cared to revel. Money was poured out like water upon a language whose grammar alone it took a man till he was sixty years old to learn, in whose philosophy he floundered to deeper depths each time he struggled to get back to the regions of common sense, whose historical or rather legendary lore, would be too much for the credulity of a nursery audience, whose morality was the vilest immorality, and whose religion was vice. Money was poured out like water on an Arabic and Persian literature, whose poetry was of the most effeminate and voluptuous kind, whose science could bear no comparison with that of Europe, and the essence of whose religion was political disaffection and fanaticism. In a word, every conceivable means was used to encourage Oriental learning, and conciliate the people by making them believe that it was highly esteemed by the Government.

When the demand for an English education arose, it was attributed in some quarters to ‘a strong though vague idea of ‘the treasures of knowledge which the English language contains.’ But the truth need not have been concealed. As long as the British possession of the country was but of recent date, and the people, accustomed to being transferred from one power to another, were doubtful of the duration of our rule, they felt

but little desire to become acquainted with our literature, or multiply the relations which, in process of time, usually serve to indentify the interests of the governed with those of the governors. But when our hold was found to be firm, and our rule promised to last indefinitely, they opened their eyes to the advantages that might be reaped by making their knowledge of the language of the conquerors a marketable commodity. A report had at the same time gone abroad, that the Government, which had hitherto suffered Persian to remain the language of the courts, were now about to substitute the Vernaculars in its place. The desire for Oriental learning began, as a consequence, to abate, and, obedient to the dictates of a wise self-interest, the natives, especially the shrewder and more enterprising Hindoos, left their Sanscrit *Byakurans* with the Pundits, and took to the English Primer. Nor will any one venture to say that the motive by which they were actuated was a reprehensible one. It only represented the universal law of self-interest, the law that keeps society together, and gives life and healthiness to the countless relations that subsist between man and man. No undefined longing for the treasures of knowledge as such, ever yet stirred up an ignorant and demoralized race to undertake the labour of learning; and the case of the Hindoo was no exception. It was not 'a strong though vague idea of the 'treasures of knowledge,' but a strong and pretty clear idea of the treasures of material wealth that roused him from his indolence and apathy.

There were not wanting in those times men who, like Lord Ellenborough, could associate nothing but political disaster with the spread of secular enlightenment. So long as the people were restricted to their own learned languages, and their own science and philosophy, and were suffered to hear no doubts expressed regarding their religious belief, India, it was thought, would remain in our hands, a secure possession; but we might expect her to be wrested from us and lost for ever, the moment we introduced the suicidal policy of educating her sons and so necessarily, of uprooting their ancient religious prejudices and superstitions. No doubt such prognostications had the effect of deterring the government from abolishing the Oriental system earlier than they did; but it soon became apparent that they were the offspring of a narrow and short-sighted policy. Giving our subjects an English education promised great advantages not only to themselves, but to the State. In an economical point of view it would surely be a gain to employ educated natives as ministerial officers and in the subordinate branches of the

administration, in the place of Europeans, who for doing the same work would require a more liberal rate of payment. And in a political point of view, men who had acquired a knowledge of Western literature and science would be more likely to be loyal to the state, as well from an enlightened conviction that their welfare depended on a continuance of existing relations, as from a knowledge of those powerful resources at the command of the British Government which must make successful rebellion an impossibility. This appreciation of their own interests and of our power would be an inestimable safe-guard to our rule, and we should owe it to the influence of an English education. Surely such a safe-guard were preferable to the ignorance in which we found the people, an ignorance more likely to urge them headlong into revolt, than to restrain them from it. Considerations such as these adding weight to the conviction that it was the duty of a great and enlightened Government to educate their subjects, and backed by the generally expressed desire of the people themselves, resulted, and rightly, in that entire change of educational policy of which Mr. Macaulay's Minute and Lord W. Bentinck's Resolution were the public exposition.

But refreshing as was the change from the ponderous absurdities of Oriental lore to the healthy and vigorous life of European literature, lurking places were provided for those absurdities in the 'Oriental Departments' of Colleges, and in the Sanscrit and Mahomedan Colleges of Calcutta. One of the arguments against the abolition of the Sanscrit and Arabic Schools was, that without them our courts could not be furnished with men qualified to expound Hindoo and Mahomedan Law; and on this ground chiefly, have the two Oriental Colleges of Calcutta been maintained in all their expensive inutility. Mr. Macaulay met the argument with the following reply:—'The fact that the Hindoo Law is to be learned chiefly from Sanscrit books, and the Mahomedan Law from Arabic books, has been much insisted on, but seems not to bear at all on the question. We are commanded by Parliament to ascertain and digest the laws of India. The assistance of a Law Commission has been given to us for that purpose. As soon as the code is promulgated, the Shasters and the Hedaya will be useless to a Moonsiff or Sudder Ameen. I hope and trust that before the boys who are now entering at the Madrisa and the Sanscrit College have completed their studies, this great work will be finished. It would be manifestly absurd to educate the rising generation with a view to a state of things which we mean to alter before they reach manhood.'

The fact that the Sanscrit College is, according to the confession of the late Director of Public Instruction, held in high repute by *orthodox* Hindoos, is, we fear, the most satisfactory proof we could have, of its supreme uselessness. In the educational Report for 1858-59, Mr. Young informs us that the Supreme Government have sanctioned the introduction of a larger English element into the course of instruction followed here, and so far, no doubt, some good has been done. Still, what is called the College Department of this Institution, retains its purely Oriental character, with the exception of the permission granted to its students to attend English lectures in the Presidency College. In the Madrissa too, a little English is taught, but its resources are mainly devoted to the cultivation of Arabic and Persian literature. If at the time when Macaulay wrote his Minute, the expenditure on Oriental learning was condemned as unwise, owing to the expected early completion of a code—the work of a commission expressly provided to make a digest of the laws of India, which would supersede the necessity of having Hindoo and Mahomedan law-officers,—what shall we say of the wisdom that insists on maintaining this expenditure even after the work of the Law-Commission is ended, and this code, now ready, is about to supersede all the old, tangled forms of law that have flourished luxuriantly for the last hundred years? To the Madrissa we object more strongly than to the Sanscrit College. The latter simply dwarfs the intellect, and unfits Hindoo youth for the earnest, practical realities of life; but the policy that upholds the Madrissa endangers our rule. Arabic science and logic have, we believe, been given up; but Mahomedan literature and law are still taught, and that, to use the language of the present Lieutenant Governor of Bengal, ‘to the very highest attainable standard.’ We object to the Madrissa on the ground of its exclusive character; for it appears to us that a College for Mahomedans is as great a violation of that neutral policy, that affects to favour no particular creed or religion more than another, as would be a Government College for native Christians. We object to a vast expenditure for the teaching of a Law that will now no longer be administered, and which will require no further exposition. And we object to the encouragement given by the state to the cultivation of a literature which, owing to its essentially religious character, can only tend to foster fanaticism and promote political disaffection. We are actually spending a large sum of money from year to year out of our exhausted exchequer, in the support of Moulvies engaged to teach and students paid to be indoctrinated in a creed, which

lays it down as a fundamental obligation that no faith should be kept with infidels, and therefore, with ourselves, the rulers of the land. Mahomedanism is 'the fanaticism of the banner,' and has the effect of making its adherents, when under a foreign yoke, religiously disloyal. What is the reason that our Mahomedan subjects, as a rule, despise an English education? How is it that whilst Hindoos flock in hundreds and thousands to our English classes, Mahomedans are reckoned by units. It may be replied that the Mahomedans are a more indolent race and do not like the trouble of learning a foreign tongue. This is not true. They are not at all more indolent than Hindoos in pursuits that interest them, and they will take an infinity of pains to learn Arabic or Persian. It may be said that it is the possession of 'a polished language and literature of their own' of which they are proud, which makes them indifferent to English. But the possession of 'a polished language and literature' does not prevent the Hindoo from acquiring a knowledge of English! The fact is that, except when deterred by imperious religious considerations, all pride, prejudice and indolence must give way before an adequate necessity. When the Hindoos felt it was necessary to learn English if they would enjoy the superior material advantages that such a knowledge alone could bring, they laid aside their prejudices and indolent habits and set to work. Why have not the Mahomedans done the same? Their necessity was quite as great, if not greater; for our rule occasioned the poverty of numerous Mahomedan families that had grown fat on the spoils of a subject country. Nevertheless they keep aloof from us, and, as a consequence, are sinking lower and lower in the social scale, and being farther and farther distanced in the march of civilization. On every hand, we meet with Hindoos rising to rank and wealth; but we look in vain for rising Mahomedans. We say not that there are no men of wealth and influence among them; still, those who are such, are, as a rule, people that have received their wealth and position from their forefathers who lived during the period of the Mahomedan possession of the country. How do we account for this state of things? The conclusion we think is obvious, that the Mahomedans do not care to learn our language, because they do not care to be reconciled to our rule. They have not forgiven us for dispossessing them of Bengal; they hate us as much to-day as they did on the 21st of June 1757, when we made Suraj-u-Dowlah fly from the plains of Plassey. Their comfort in their present reverse of fortune is in the belief that the dominion will yet again become theirs. Cheap books are industriously circulated among

the poorer classes with a view to keep alive the expectation of deliverance from our yoke. Like all fanatics, they regard themselves as special favorites of Heaven, and look forward with confidence to the day when they will recover their independence and once more be the rulers of India. And the mistaken policy of the Government has but encouraged and nurtured the disaffection. In our extreme anxiety to conciliate them, we have dandled and petted them, and coaxed them to be good, until they now believe that we fear them. We feel it our duty to protest most earnestly against the policy that encourages the Moslem in his arrogant exclusiveness, by giving him a College to himself, and instructing him in a law and a literature which can only confirm his enmity to the state. Mahomedan Law and the Mahomedan faith cannot be dissociated, and to teach the one is to teach the other; Mahomedan literature is essentially religious; and as long as we continue to teach these things, we continue to cherish the viper that will sting us the moment ^e is warmed into life. The Madrissa in Calcutta, as long as it ^{stands}, will be a monument of our folly and an unanswerable satire on our so-called neutral policy.

The question then arises, what ought we to do in the matter of Oriental learning? No true science, philosophy or history are to be derived from Sanscrit and Arabic. The only claim these languages can have to recognition in an educational scheme, is on the ground of their intrinsic value as languages, and this claim we apprehend would be amply met by the establishment of a University chair for each. A professor or professors of Sanscrit and the same for Arabic, is all the homa^{se} we need pay, in a Government scheme, to languages for the study of which greater facilities exist in Europe, and especially in Germany, than in this country. Let all who have the means and the leisure for Oriental studies attend the lectures of these professors; and let the money now wasted on Oriental Colleges and Departments of Colleges, be devoted to the support of Zillah Schools. We hold that the Government are not bound, either in the reason of things, or by any pledge given to their native subjects, to uphold the present scheme.

We come now to a most important inquiry. We have seen how the demand for an English education arose among the pupils of the Government Colleges and Schools, and how it was met by the Government. From that time to this, through a period of about thirty years, we have been teaching European science and literature. What result has this change in our educational policy produced? Has it been a success, or is it a failure? In some respects it has wrought undoubted good; but in others it

has disappointed us. Viewed in comparison with Oriental learning, as that learning used to be prosecuted, and in connection with the material advantages it has brought in its train, this change has been a success; viewed in respect of the moral improvement and social revolution it was expected to accomplish, it has been a failure. Let us look first at what it has done, and then at what it has failed to do.

To those who have come within the range of its influence, a knowledge of English has brought inestimable intellectual benefits. Enslaved as they had been for ages, our literature and science and history knocked off their fetters and drew them from the darkness of their intellectual prison-house into the cheerful light and free air of true knowledge. One look through our telescopes was enough to shatter for ever their belief in the cosmogony of their shastras; one draught of the pure and majestic streams of thought, that flow through our literature, was enough to entice them away from the turbid and unwholesome waters of their own legendary lore; ^{at} the glance at the map of the world and at the authentic history of its nations, was enough to scatter for ever the outrageous traditions of fabulous lands and heroes. A knowledge of English has taught them great truths respecting themselves—respecting men, their histories and national characteristics, their politics, and their inventions and discoveries in the arts and sciences—respecting nature, its subtle agencies and secret forces—respecting the world of mind and its laws of action—and respecting the far off worlds, with their laws and revolutions. None of these things would have been known—nothing of that expansion of mind and thought, which is now going on around us, would have been realized, with centuries of Sanscrit and Arabic study.

Then there is the accumulation, of material wealth. In the race of life, the enlightened must outstrip the ignorant. There are offices in the State, places of trust both within and without the sphere of Governmental service, pursuits requiring a knowledge of mercantile economy, and professions such as those of engineering and medicine, which are within the reach of those only who have made themselves conversant with European science and literature. In all these paths there is wealth to be had, but wealth which will surrender only at the challenge of knowledge.

But, so far, the advantage is with the learner, not with the State that supplies the instruction. What benefit do we as rulers derive from the education we are giving the people? Among the lesser benefits, may be mentioned the preparation of a class

of men to fill the subordinate posts in the various departments of the State; an arrangement by which not only is economy supposed to be secured, but the good will and sympathies of the people themselves are believed to be gained. The great benefit undoubtedly is, that as education helps to enlist men on the side of order and good Government, so all who are educated by us, being on that account fitted to advise and influence the untaught people of our province, will use their influence in support of the State. Not that the loyalty inspired by education is of the heroic and generous type; but their acquaintance with our national resources and the springs of our strength will deter them from awakening or stimulating a hostility which would be inevitably disastrous to themselves. Education will convince them of the folly of attempting to throw off the British yoke; and the fear and respect thus engendered may be looked upon as our greatest safeguards against rebellion. Of course the loyalty of fear is not to be mistaken for the loyalty of love. It by no means follows that men, who are enamoured of our literature, entertain a devoted attachment to our Queen; or that moved by any very high sense of their obligations to her, they would always be prepared, at whatever risk, to check the tide of disaffection among their ignorant countrymen. No education will give the Bengali the true, disinterested loyalty, which, in times of peril such as 1857, stirs the breast and nerves the arm of the Englishman, and urges him, regardless of all personal hazard, to uphold the honour of his Queen and country. There is sympathy subtler than any a mere community of knowledge can awaken, whose chords must be touched before the loyalty of the educated natives, can be any thing more than a prudent calculation of consequences. Their loyalty, in the existing state of things, can only be the offspring of a wholesome fear resulting from a shrewd appreciation of our national resources, and of a conviction that under no other Government, not even under a republic or monarchy such as they might be suffered to establish for themselves, would they enjoy the political freedom, or meet with the enlightened liberality of sentiment that are identified with British rule. It will be vain for us to expect any thing more than the loyalty of fear, until a community of religious belief and feeling has added its influence to that of secular instruction. The religious instinct in man, and the sympathies awakened by it, are among the most powerful of the influences that sway human conduct. Religion may be a practical power, permeating like leaven, all a man's thoughts, and giving colour to all the purposes of life, or it may be a mere form whose ceremonials are viewed by him

as both its symbol and substance; nevertheless the bare fact that the religion he professes is also the religion of certain others, is enough to establish a sympathy between them, and cement a union, which in seasons of political revolution, will over-ride all social and race distinctions. Every appeal to the religious sentiment for aid in times of danger or distress, especially when that danger or distress is expected to come from a people of a different faith, is based on the idea that the eternal interests of those whose help is asked will be at stake if that help is not given. This is universally felt to be the highest and most pressing ground of appeal, and as such may stimulate or restrain the war passion, when other considerations prove of no avail. The principle of self-interest underlies all the political relations which men form with one another, and advantage is taken of this principle in its highest form in every appeal based on a community of religious sentiment. The old Romans, who suffered the nations they conquered, to retain their own gods and religions formulæ, were in reality far from neglectful of the political advantages to be derived from religious sympathy. It is said that they refused to interfere with the religion of a subject nation, in order that they might thus conciliate their prejudices. This is true, but it is not the whole truth. 'Among the Romans,' observes Neander in his 'General Church History,' 'religion was more closely interwoven, than in the other ancient states, with politics. One gave light to the other. Here more than elsewhere, the whole civil and domestic life was based on religious customs, which, by their connection with modesty of manners, presented a striking contrast with the more æsthetic than moral element of the Grecian mythology.' The Romans early learnt that the religious element which was so mixed up with the principles of their own individual polity, could not be excluded from the political relations they established with the people of conquered lands. Professing to leave such subjugated nations free to retain their own gods and forms of worship, they nevertheless sought by degrees to introduce among them Roman gods, and a Roman ritual which was to be practised in conjunction with the national religious observances. So far then from being indifferent, the Romans were keenly alive to the influence of the religious element in directing the political sympathies of a people.

It may be asked, to what do these remarks tend? Do we propose, as a guarantee against all future rebellion, that our Indian subjects should, *per fas aut nefas*, be induced to embrace

Christianity ? By no means : such a measure would be not only at variance with the first principles of the Gospel, but productive of more harm than good. We desire to advocate no means for the conversion of the people but those indicated in Holy Writ ; we are only stating our conviction that if the people were Christians, we should in that fact have a surer and more abiding safe-guard against disaffection and revolt, than in any loyalty traceable to the influences of an English education alone. The undeviating loyalty shown during the mutinies by the native Christian community of the North-West Provinces will serve as an illustration of what might be expected were the whole nation christianized. The fact then cannot be doubted that there exists a higher guarantee for loyalty than the instruction of our heathen subjects in our own language and literature. A knowledge of European literature and science may satisfy them of the prudence of remaining loyal ; but it fails to create that positive attachment to our rule, that active loyalty which can come only of a common religious faith. English education viewed politically, must result in great good, but the good is uncertain.

It is sometimes urged that by giving our native subjects an English education, we are preparing them for the day when, England's mission in India being accomplished, they will be left to govern themselves. Indeed, the necessity of training them to the business of self-government has been so often reiterated, that they are beginning to believe that we do really intend shortly to leave them to themselves. We cannot help thinking the notion mischievous as well as wrong. England has no idea of relinquishing her hold on India, and to encourage such a belief is to encourage a hope that, in all probability, will never be realized, and to promote a restless, disaffected spirit which will be intensified rather than allayed by the lapse of time. The political and commercial considerations that keep us in India just now, will compel us to retain permanent possession of the land. But admitting for the moment that it is England's mission to teach India's sons the art of self-government and so clear their way for successful competition in the great race of nations ; is education the all and in all by which this end is to be gained ? The question brings us to a consideration of the reasons why the change in our educational policy, which in some respects has been an undoubted success, has been a failure in a moral and social point of view. That knowledge is one of the elements necessary to the development and support of political independence, we do not dispute ; but that it is the only mental qualification required, we deny. For such independence.

moral power is needed as well as intellectual; but mere secular knowledge never yet created moral stamina. Knowledge never yet made a dishonest man honest; a selfish man generous; or a sensual man spiritual. It expands the intellect and gives power, but it does not direct that power, or change the moral character of its possessor. Ignorance may be 'the parent of vice,' but education is not the effective purifier of morals. A nation may be filled brimful with secular knowledge, and the springs of its moral being remain as polluted as ever. Knowledge is power, but it is not virtue; it is power, but that power may be used for evil as well as good. In saying this we are not setting forth the deductions of reasoning, but quoting the testimony of historical facts. Greece and Rome were both highly intellectual and philosophic; but what was their moral character? And so let us suppose the Bengali in possession of all the secular knowledge we can give him. He can quote Milton and Shakespear; he can write florid essays on 'the elevation of the people of India'; he can direct engineering operations; he can make our treatises on political economy or mental and moral science as familiar to him as household words; our exact and liberal sciences he may become acquainted with down to the latest investigations and discoveries. Suppose him left to govern his own land, thus equipped, but with no provision for his moral nature, and an entire stranger to all healthy moral discipline. What would be the result? How long would anarchy be averted? With the knowledge that all Bengalis have of their own countrymen, with the instinctive suspiciousness of their nature; with the effeminacy that has been fostered for ages; with wives and mothers utterly unqualified for their respective relations; with the accustomed triumphing of might over right; with their present unsusceptibility as to moral influences, and their want of moral courage and energy, and with the lack of a proper physique which must come of something more than dal and rice; in a word with that entire prostration of public confidence which would follow as the natural result of moral weakness on the part of the rulers, the government of the Bengalis, should it begin as a monarchy, would soon break up into a polyarchy whose separate elements and interests would, in their turn, get mixed up into a glorious anarchy.

We have no wish to offend the feelings of the educated classes of the country; but the truth, however unpalatable, is wholesome and ought to be told. We do not deny that there are oppression and effeminacy, sordid selfishness, forgery, perjury and murder in Christian England too; but the characteristic difference between Christian England and heathen Bengal is, that in the former

country, public opinion calls crime crime, and condemns it as such; whereas in the latter a man who commits the basest of felonies receives the unrestrained sympathy of the most enlightened classes of society. In England there is a moral standard, universally acknowledged, by which conduct is measured; but here the power to oppress and wrong one's fellow-men gives the right to do so. Where a true and reliable moral standard does not exist, it must be created; but mere secular knowledge is unable to create it; and we must look beyond education for the power that is to give principle and character to the people whose intellects we are training for the battle of life. There is no true morality apart from Christian truth. The conscience is enlightened and strengthened, the moral affections are rightly directed, the moral regeneration of a man can be effected, only by the belief and reception of the Gospel of the Christ; and until this Gospel has free course and is glorified in India, not all the science and learning we can give her sons, will raise them to true manhood, or qualify them to take a place in the front rank of nations. India can never attain true greatness or be any thing more than an appanage to some European power, until she receives and is leavened by that Divine element which has been the strength and support of Christian England—'the truth as it is in Jesus.' If the earth did not periodically turn its face to the sun, no soil would be productive; the seed embedded in it would remain dormant if for ever without the action of heat. And so it is with the native mind. There are seeds of truth in it, moral capabilities, which only await development; but these germs will remain for ever dead unless that mind is brought into conscious contact with Jesus, the Christ, the central sun of Truth.

We come now to a question that has been agitated with renewed vigour since the rebellion of 1857—ought the Bible to be systematically taught in the educational institutions of the Government? Great differences of opinion exist on this point. The Government maintain that they have a policy, and according to that policy they ought in no way to interfere with the religions of their native subjects; that they are pledged to a wise neutrality and that any other line of conduct would alarm the people, and make our hold on the country most insecure. In reply we observe, in the first place, that the government are *not* pledged to a neutral policy; and in the second place, that they have themselves violated that policy already. Whatever may have been their professed policy during the times of the East India Company, certain it is that Queen Victoria, in assuming the immediate government of her Indian Empire, distinctly defined her relation to the prevailing

religions of the land as that of a Christian Sovereign *tolerating* the religious beliefs and observances of her heathen subjects. The Proclamation, did not assert that, in deference to their prejudices, she would hide her Christianity and ignore its obligations in all her relations with them, because she could not conscientiously embrace Hindooism or swear by the Koran; but that she would not, after the example of their other conquerors, forcibly impose her creed upon them, but would, in all matters concerning religion, respect their feelings and tolerate their observances. Wide indeed is the difference between this toleration and the neutrality we hear spoken of. Will any one venture to say that for the Government to establish a class in every college for teaching Christianity would be a violation of any pledge expressed or implied in Her Majesty's proclamation? In establishing such a class, we should neither de-Hindooise the Hindoo, nor de-Moslemise the Moslem; it could not be said that we were persecuting the pupils into renouncing the creed of their fathers, for they would be under no restraint to attend the Institution; and indeed, the moral suasion which alone could be employed in recommending Christianity to their attention, would be the strongest guarantee they could have, that their religious feelings would always be respected.

Our second indictment charges the Government with a violation of their own neutral policy, and has two counts. First that the Government have already interfered knowingly with the religion of their native subjects; and secondly, that they have shown that favour to Hindooism and Mahomedanism which has been denied to Christianity. To prove the first count, we need but recall, all that the Government have done to dispel ignorance and enforce public morality. Every effort that has been made in either of these directions has been a thrust at the religious beliefs and observances of the people. It is a part of their religion to believe that Rabon seized with hunger, and being gifted with jaws of unrivalled expanse, makes periodical attempts to swallow the moon; but the Government by teaching them the true theory of eclipses, have knowingly interfered to overthrow their faith in this article of their creed. It is a part of their religion to believe that the earth rests on the back of a tortoise; but the Government have been teaching them Newton's theory of attraction, and as a consequence, another item has been lopped off the tree of religious belief. Their religion teaches them to believe countless legendary absurdities which violate every principle of chronology, history, reason and common sense; but the Government, by unfolding before them the treasures of true history, have destroyed their

faith in the historical pretensions of the shastras. These legends form integral parts of their religious creed, but a government education has shown them to be only obscene myths. The Hindoos are taught to believe that the man who inhales the smell of an Englishman's dinner is defiled; and we have heard of an orthodox Hindoo, who, to escape the odour from Dr. Carey's cook-room which happened to be built close by, vacated the house in which he had lived for years, and removed to a distant part of the town. Yet the tendency of education has been to bring Young Bengal to our hotels and refreshment rooms, and stimulate within him an unmistakeable relish for beefsteaks and brandy and water. It was a part of their religion for Hindoo mothers to throw their female infants alive into the sea, into the very jaws of alligators floating about and watching for the prey; but the Government have peremptorily forbidden the inhuman rite. It was a religious observance for the Hindoo widow to throw herself on her husband's funeral pyre; but the Government have abolished the rite of suttee. It was regarded as a religious obligation for a woman or girl once widowed, to refrain from contracting a second marriage; but the Government have interfered to legalise widow marriages. In these and other respects, do the Government stand convicted of having disturbed the religious beliefs, or discountenanced the religious observances of their Hindoo subjects. And the same may be said of their Moslem subjects. The very fact of our holding sway over them is a serious violation of their religious prejudices; for are they not bound, by all that is sacred, not to keep faith with infidels, or suffer themselves to be ruled by an infidel power? If our neutral policy requires that we should abstain from all interference with the religious feelings and observances of our subjects, then, for consistency's sake, we ought to restore the dominion to the Mahomedans; or, if we are not prepared to make so great a sacrifice to principle, we ought at least, to let our Hindoo subjects revel undisturbed in their religious immoralities and crimes.

We are perfectly aware of the grounds on which the State would attempt to justify the interference we have noticed. We shall be told how impossible it is for an enlightened people like the English to come into contact with the ignorant and debased masses of this land without to some degree influencing their intellectual and moral condition, and how such a result could no more be prevented than can the dispersion of darkness when the light begins to shine. We shall be told that the Government have interfered to prohibit certain rites and observances, not as having to do with religion, but as subversive of that public morality and

decency whose interests they are bound to protect. We may be asked, by way of an *argumentum ad hominem*, whether we really blame the Government for substituting true history and true science for fabulous legends and doctrines 'which would move laughter 'in girls at an English boarding-school'; and for legislating in defence of the interests of humanity, We unhesitatingly answer, no; these things have our unqualified approval, and must have the approval of all right thinking men; but, alas! for the consistency of the Government; alas! for the neutral policy of the State that cannot provide for the most obvious necessities of public morality, without riding rough shod over the most sacred prejudices of its people, and crushing with imperial interdiction their time honoured religious observances. What shall we say of the honesty of a Government that can with one hand stroke the heads of their subjects and tell them that their religious feelings will be scrupulously respected, whilst with the other, they are plucking up their religions, root and branch? Of course we are exhorted to distinguish between religious and public morality; but when, binding ourselves by the self-imposed pledges of a neutral policy, we undertake to legislate for a state of society in which every social custom, every practice whether moral or immoral, and, we had well nigh added, every movement of limb or muscle, is religious, where shall the line of distinction be drawn? The Hindoo does not distinguish between religion and morality; to him all distinctions between moral and immoral are merged in the one idea of religion. To him female infanticide, suttee and the prohibiting of widow marriages, have no moral aspect; they are questions wholly religious. Accordingly he accuses the Government of interference with his religion, and the accusation is true.

Not only have the Government been tampering with the religion of their native subjects, but they have gone out of their way to treat Christianity with studied disfavour. The case of the Sepoy at Meerut who was dismissed from the army for no other reason, secret or declared, than that he had become a Christian; the order prohibiting Christian gentlemen from worshipping with native fellow-Christians, as happened in the Punjab; the careful removal from all school books of the Christian element, as in Bombay; and the almost universal prejudice on the part of officials against native Christians, are but so many indices of the feeling with which the Government regard the religion of the Christ. Indeed, it is needless to detail the numerous facts that painfully and too clearly illustrate this undisguised hostility to Christianity, when we find the inference to

be derived from them already embodied in the belief, universal among the natives, that the Government do not wish them to become Christians. If the state had been true to its neutral policy, whence could this belief have sprung? How is it that Hindoo and Mahomedan servants of Government are free to proselytize to an unlimited extent and in the open face of day, but the moment an English officer opens his lips to tell his heathen subordinates of Christ, he is visited with the wrath of a Governor General? Why is it that a Hindoo priest or Mahomedan moulvee may be admitted to any department of the Government service, but no Englishman having once been a Christian Missionary, can become a teacher in a Government College? Why are the sacred books of the Hindoos and the Koran of the Mahomedans read in Government colleges, and the Bible of the Christians excluded? Why is a Director of Public Instruction suffered to remove from English class-books every allusion, however remote, to Christianity, whilst the Bengali text books, selected by the Government for the examination of those who wish to pass in the vernacular, remain ineffably obscene and filthy? Why need we say more? We have said enough to show that the State is in every way daily violating its neutral policy, and has forfeited all right to appeal to it in justification of its refusal to teach the Bible in its institutions.

But the Government are not alone in opposing the introduction of the Bible as a class book into their colleges and schools. It is sometimes objected, that if the Bible were to be introduced, there would be unseemly and perhaps interminable squabbles among the various denominations of Christians, as to which sections should furnish the Bible lecturers. But this objection is unworthy of serious attention. Denominational questions, however important in some respects, ought always to be held in subordination to vital truths; and were matters at any time to be so arranged as to make the Government anxious for the services of some of the agents of the various Missionary Societies that occupy the country, we should regard it as sinful to allow the strife of *isms* to interfere with the communication of Christian truth to those who are perishing for lack of knowledge.

Or, it is further objected, if we do not engage Christian Ministers or Missionaries to teach the Bible, we must leave it in the hands of the teachers on the staff, many of whom entertain infidel views, and are Hindoos or Mahomedans. We are asked, if we can safely entrust the Bible to such men. Instead of unfolding the doctrines of our religion, their time, it is presumed, would be spent in filling the heads of their pupils with all the ribald

objections to Christainity they can find, and in trying to excite ridicule against the inspired Word. But admitting that much of what is apprehended would take place, what then? Men may laugh at the Bible, and they may hate it; but to despise it, is more than any mortal, who has once become acquainted with its truths, is able to do. And as to the propagation of infidel objections, these never yet deterred a man, who was not previously anxious to smother the rebukes of conscience, from a candid investigation of the truth. Whether accompanied by such objections or not, the leading doctrines of the Gospel would have to be taught; and in these doctrines, by whomever spoken, there is a living power which can assert itself in spite of human opposition.

It is our deliberate opinion that the Bible ought to be a class-book in every Government College and School. We have considered the reasons for and against its introduction, and have come to the conclusion that the arguments for the measure are weightier than those against it. The majority of Dissenters, or as John Bright would have them call themselves, 'Free church men,' are opposed to the measure, on the ground that it will introduce a state-church element into the relations of the Government with the people, which would be highly prejudicial to the healthy development of Christianity in the land. The principle on which they take their stand is, that the state should have no connection with religion, and that the invariable effect of such a connection, as they believe the history of Europe shows, is to despiritualize the holy influences of Divine truth by an admixture of secular principles the tendency of which is to deaden the spiritual consciousness of men. Whatever force the argument may seem to have in Europe, we fail to see its applicability to this country. Here the question is not one of sects and denominations all holding the same Christianity, but a question of truth and error, a truth whose dimmest rays are a very glory when contrasted with the gross darkness of error that envelopes the people. Christian truth, so long as it is Christian truth, accompanied by whatever paraphernalia, ceremonial, or denominational creed, ought to be hailed as an un-peakable blessing whenever it comes to abolish the idols and overthrow the superstitions of heathenism.

We advocate the introduction of the Bible into the educational establishment of the Government for two reasons. First, without it as a class-book, the English education we profess to give is grievously defective. Secondly, without it the moral education of the people can never be accomplished. Let us look at these reasons in the order in which we have stated them.

First, without the Bible, that is, the English Bible, as a class-book, the English education we profess to give is seriously defective. No such education can be complete without a knowledge of the Bible. Not only does this book contain the most ancient authentic history, and the truest moral philosophy, but its language and its spirit so permeate our literature, that that literature cannot be understood without a thorough acquaintance with its contents. The pupils of our Colleges and Schools are taught to believe that the world's history begins with the siege of Troy, an event which dates after the settlement of the Israelites in Canaan, after the death of Joshua, and during the times of the Judges. The entire antediluvian era, the time immediately succeeding the deluge, the period during which Egypt acquired its learning and greatness, the patriarchal age, the whole four hundred years occupied in Israel's growing into a nation, in a word, the first three thousand years of human history, are represented by a blank page, just because the Bible must not be taught. A large section too of the contemporaneous history of the following thousand years, embracing the chronicles of the Assyrian and Babylonish empires, is for the same reason excluded from the course of historic study, thus rendering that course essentially defective.

It is the same with the literary aspect of the case. The man who has not studied our English Bible cannot be said to appreciate our literature, and yet here we are teaching English without the Bible. A serious objection in England to a revised translation of the Bible, in which it was proposed the new readings should be incorporated with the text, was, that such a version would hopelessly unsettle the minds of the people, with whom the very words and phraseology of the Bible have become a part of their religious consciousness; and that any advantage to be derived from it, would be more than counterbalanced by the rude jostling out of the old and smooth worn channels of religious thought, which they would experience. Now, the relation between our Bible and our literature is similar to that which exists between the phraseology of our Bible and our religious consciousness. As leaven permeates dough, as water soaks into the soil, so have the phraseology, the ideas, and generally speaking the spirit of our Bible spread themselves throughout our literature. To make the pupils of our Colleges and Schools intimately acquainted with our literature, and yet to keep from these our Bible, is to give a medical student a minute description of the organs of the human body and their functions, but to omit all mention of the blood or its circulation.

The Christianity whose history the Bible embodies, and whose spirit and principles it reveals, and which, more than any other element, has served to mould and direct the destinies of nations, ought to be understood by all who lay claim to an enlightened education. The history of Europe from the times of the Roman Empire is inexplicable without understanding the religion that dared imperial edicts, triumphed over heathen hate, swayed the politics of nations, and ultimately became the inspiration of Protestant Europe. To understand the history of Rome, or Germany, or France, or Spain, or Holland, or Switzerland, or, above all, of England; to discover the secret springs of the energy that has made our island home the greatest country in the world, a man must read the Bible, and must know Christianity. This is the only key to the interpretation of some of the most potent and far reaching influences that have underlain European history, and that underlie it now. The history of Christianity is inseparably associated, too, with the history of that march of intellect which has resulted in the gigantic discoveries of modern science, the inventions of art, and the amelioration of the physical and social no less than the moral condition of men. Helping the European mind to break off the fetters of an ignorant and superstitious bondage, Christianity stood forth and bade it go free; and since then the fruits of freedom have been multiplying on every hand. To teach English literature, the history of European politics, and the history of intellectual progress without giving the Christian religion and the Book that teaches it a prominent place in the scheme of study is, as if a photographer were to try and explain the process by which pictures are obtained without alluding to the sun's light. We have read of two negroes who stopped to discuss the use of the Electric Telegraph. What is the use of the wire? asked one of them. 'To keep the posts together,' was his friend's reply. 'And what is the use of the posts?' 'To support the wire,' was the prompt rejoinder. Is not this an illustration of the result obtained by the education Government institutions are giving? The students are taught all about the posts supporting the wire and the wire helping to keep the posts together; but of that Christianity which has been the electric spark to quicken our literature and politics, and make Europe intellectually what it is, they are suffered to know nothing. Sir James Colvil, the late Chief Justice of Calcutta, in a minute written when he was a member of the council of education, said respecting the study of Arabic in the Madrissa: 'I myself see 'no objection to the use of the Koran and commentaries on it, 'approved for their elegance as class-books. It seems to me,

'that to do this, in no degree infringes on our principle of withholding religious instruction. We may teach them as they would be taught at Oxford or Cambridge, if the study of Arabic were practically pursued in either University. Those, moreover, who think that we conform to the rule by excluding the Koran, take but a superficial view of the subject. The mission of Mahomed, for instance is the basis of Mahomedan law, and in the Hedayah many rules of conduct will be found which rest on no better foundation, and have no higher sanction, than a tradition of some revelation to the prophet, more false and more absurd perhaps than any thing to be found in the Koran. On these grounds, and looking to the peculiar constitution and exclusive character of the Madrissa, I should be disposed to brave any amount of cant and nonsense, which the introduction of these books may evoke.' But if it were 'cant and nonsense' to protest against the study of the Koran in a college endowed and maintained with the express view of teaching Mahomedan literature, is it not 'cant and nonsense' to forbid the study of the Bible in colleges established for the express purpose of teaching English literature and European history and science? Yet the same Government that see no danger to their neutral policy in encouraging the study of the Koran, shrink with sudden sensitiveness when they are asked to make the Bible a class-book in our English colleges!

Our second reason for the introduction of the Bible is that a knowledge of it is indispensable to the moral education of the people. The precepts inextricably interwoven into its historical narratives and biographies, form the basis of all true moral philosophy. The study of this philosophy has not been so popular in Government Institutions as the study of the physical sciences; and the reason appears to be, that it is taught superficially, because the Bible is not acknowledged as an ultimate authority. From this Book alone do we learn the true source of all moral obligations; here we have the fullest explanation of man's moral nature and its intricate workings; here alone do we learn emphatically to know ourselves. To this Book do we make our ultimate appeal in all doubtful moral questions; its precepts and principles we uphold as the standard by which our social relations ought to be regulated, by which, too, we judge the moral character of our literature. Can there then be moral training without the Bible? It is impossible.

But why need we stop here? As the guardians of the public morals, it is the duty of the Government to discover and lay bare the prolific source of all the vice and immorality that flood

the land ; and they must acknowledge that it is the religion of the people that has caused their moral prostration. And what would be the duty of the state in the face of such a discovery ? Obviously to use every lawful and wise means to loosen the hold this religion has on the minds of its votaries. And this ought to be done now. But would not setting their face against Hindooism and Mahomedism be a violation of the neutral policy the Government have pledged themselves to ? It would ; but the Government have no right to have a neutral policy. Their neutral policy is an immoral policy and an offence to God. We can understand such a policy being perfectly fair and justifiable in the case of two religions both of which are false ; but to declare for neutrality when virtue and vice, purity and licentiousness, light and darkness are concerned, is not only to obliterate all moral distinctions, but positively to exalt vice and make darkness preferable to the light of Divine truth. The Government altogether mistake their relation to the people of this land. The question is not whether Christianity as a religion, may or may not be classed with other religions, in the attitude which a state may assume towards it ; indeed, the question before us, is not one of religions at all ; it is simply whether the Government of this country, are justified in assuming the same attitude to morality and immorality—to loyalty and political disaffection. Hindooism is, essentially, immorality ; Mahomedism is, essentially, political disaffection ; and the question is, whether the Government have a right to degrade that Christianity which teaches the love of God, which inculcates the highest and purest morality, which inspires the soul with good will towards men, and encourages only what is pure and lovely and of good report, to a level with the obscenities of Hindoo idolatry, or the malignant hate of Moslem fanaticism. What right have any Government to be neutral in questions of morality and immorality ? Is it credit, or is it shame, that properly attaches to a policy that glories in viewing with equal indifference, the most debasing sensuality and the most exalted purity, dishonesty and honesty, falsehood and truthfulness, crime and uprightness, the service of devils and the service of God ? The Government set themselves up as the custodians of public morality ; but their neutral policy is the main bulwark in this land of all that is cruel in Inst, of all that is destructive of the confidence that should cement the social relations of life, of all that is demonizing in the worship of incarnations of sin, and of all that is dangerous in a rabid fanaticism. How can they protect the interests of public morality when they themselves mount sentry over the haunts

and dark places of vice to guard them against intrusion ; when wickedness and crime have but to cry out, ' we are religion,' to receive shelter behind the breastwork of our neutral policy ?

To accusations such as these, the Government may perhaps reply, what can we do more than educate the people and show them the folly of their idolatrous superstitions ? We rejoin, education has in great measure done this already ; but has the character of the people improved ? They are thoroughly convinced of the folly, the absurdity of their idolatries ; but has the conviction checked immorality, or made them pure, honest and truthful ? Is the national escutcheon getting quit of the stains of perjury and forgery ? Is caste despised ? Is vice discouraged ? Alas ! no. The people require to be convinced of more than the *folly* of idolatry ; they must learn that it is *sin*. Do they know what sin is ? Their only idea of it is that of some ceremonial pollution, or the neglect of some religious rite. Of its moral turpitude, of its relation to God and His Law, they possess not the faintest conception. This higher conviction must be created ; and to accomplish this, they will need more than a mere secular education. To awaken and urge into activity that moral sense which God has implanted in every human breast, we must give them a knowledge of Divine truth. They must have Christianity, without which all the talk we hear of moral reformation will prove in the end to be.

' a tale

' Told by an idiot, full of sound and fury,

' Signifying nothing.'

Christian truths should be mingled with the secular instruction given in our Colleges and Schools ; Christian principles should be taught, and the Bible be read, not only on account of its history and its literature, but also for its moral philosophy and its religion.

But before we conclude, let us guard our readers against the supposition that we regard the purely secular education of the Government as an unmitigated evil. Viewed in a Christian light, it cannot but be regretted that this education is not leavened with religious truth ; but it is not on this account wholly mischievous. Knowledge is power ; and knowledge uncontrolled by moral or religious principle is more likely to become powerful for evil than for good. Nevertheless there is an advantage connected with even such knowledge that makes it favourable to the reception of Christian truth, for it imparts the ability to investigate that truth in its historical and philosophical aspects, and to test its pretensions by means which are accessible to educated men only.

There are sources of evidence, sealed to the ignorant, which none but men of knowledge can appreciate. The philosophy of the plan of salvation may, in its grand outlines, be understood by an unlettered man, provided he is a man of thoughtful intelligence; but Christianity, it must be remembered, is a historical belief, and as such, can be properly estimated only by those whose trained intellects qualify them for historical analysis. To such there is evidence from testimony, from observation, from research, from a reflex scrutiny of the hidden wants of human nature, which cannot but establish an unalterable belief in the Divinity of the Gospel of Jesus. The apostles recognized the difference between lettered and unlettered men when they set forth to declare the tidings of life. They went not to Scythian hordes and barbarous tribes, but to Antioch and Philippi, to Ephesus and Corinth, to Athens and Rome; they went to places where Hellenic culture had in great measure, prepared men for an examination of the new doctrine.

Believing then, as we do, that the better educated a man is, the more favorably is he placed for the reception of Gospel influences, we do not charge the education which the Government give with a tendency to retard the progress of Christianity in the land. It is our belief that the Deists, the Transcendentalists, the Brahmists, and whatever else they call themselves, that constitute Young Bengal are nearer the kingdom of heaven than the multitudes who adhere with all the tenacity of ignorance, to the gross superstitious of their fathers. They occupy a transition state, which must ultimately be relinquished for Christianity. Theirs is just now only a negative creed, and nature does not abhor a vacuum more than the soul of man a negative creed. Young Bengal must therefore soon look out for something positive, and that positive thing will be the Gospel of the Christ. If however the present policy of the Government is persisted in, the result we are anticipating, will owe none of its success to them. Their neutral policy forbids them to do any thing for the moral improvement of their subjects, and by that policy, they must be content to be judged.

ART. III.—1. *The Jail Manual*. By C. Hathaway, M.D., Lahore.

2. *Jail Circular Orders*.

3. *Punjab Jail Reports*. 1860-61.

OVER-ZEAL in the advocacy of a cause is only too apt to rouse a spirit of vindictive opposition, which forgets that ordinary decorum is essential to fair controversy. When men act as if under the conviction that their motives are an atonement for the means they employ, they must not be surprised if the public repudiate their theory. It is of the highest importance to the cause of morality that sincerity should never be accepted as a justification of indiscretion; for if the world were disposed to judge otherwise, society would be infested by fanatics of all sorts, indulging in unwarrantable excesses under the assumed sanction of what may truly enough be called 'correct motives.' Philanthropy itself has suffered in public estimation from the unscrupulous advocacy of those who glory in having raised it to the dignity of a profession. They have almost justified the censure of the critic who says that 'if, by any stretch of mis-understanding, philanthropists can commit an illegality, they will.'

One of the departments of philanthropy has of late been so paraded before the public, and its advocacy so peremptorily declared to be a public duty, that it has rather lost than gained ground among those who were not less its friends because they were more temperate as its advocates. As the most recent exhibition of fatal zeal in the defence of a social cause, we refer our readers to the conduct of certain anti-slavery societies in the case of the fugitive slave Anderson. How the English applicants for the issue of the writ of *habeas corpus* into Canada have influenced the temper of the Canadian public on the question of slavery in general, may be inferred from the indignant language in which the colonial journals have discussed the subject, and the severe terms in which they have denounced some of the anti-slavery societies of England.

Nor yet has the most holy cause of all—the cause which connects man's highest duties on earth with his most cherished hopes in heaven—escaped injury from the efforts of those who 'loved it not wisely, but too well.' Though the paramount importance of religion must ever be its best protection against slight

or censure, yet its enemies have not been at pains to distinguish between religion and the phantom which some warm minds have associated with it.* If it fares thus with over-zeal in the advocacy of a cause the importance of which no man can exaggerate, what must it expect when it labours in the defence of the ordinary interests of society, which a man may accept or reject without incurring censure or gaining approval? Nor is it less true that whenever this liberty of choice has existed, men have invariably embraced the cause which, if not generally popular, had yet no reasons to be ashamed of the allegiance of indiscreet partisans.

Though the question of crime has been discussed from every point of view, the subject of this article has not as yet attained the distinction of a social cry. Much that has been said or done in its behalf has been characterised by that regard to common sense which leaves us but few prejudices to combat; much has already been done for its practical advocates by the able theorists who have succeeded in popularising its details; but much yet remains to be done, and if we can refrain from the over-zeal, of which we have spoken above, there are no just grounds to apprehend any unexpected opposition from the public.

In fact the condition of our criminals is not a subject which admits of the display of much enthusiasm, nor has it ever been so zealously advocated by any large body of public men as to draw on it the gibes and sarcasms of an exasperated opposition. Negro slaves have had as many vain-glorious though sincere friends, as determined and bitter enemies; a plausible case is made out for them by a mere setting forth of their real or fancied wrongs. Their loss of liberty, their moral degradation, their helpless condition and their generally inhuman masters, will always enlist in their behalf the sympathy of even those whose self-love is otherwise proof against the ordinary weaknesses of human nature. But for men convicted by a court of justice it is not easy to invoke even just compassion; it is not easy for the public to sympathize with those whose sufferings seem to be ordained by the laws of their country. Far from deserving the censure of late so liberally lavished on us 'for attempting to rescue men from the natural retribution of their own acts,' we aver on the contrary that the public are willing to acquiesce in a little more misery for those who, as it sometimes may appear to them, have even in the sight of the law some misery to suffer. It is only in cases of

* 'The multitude,' says Ricasoli in his letter to the Pope, 'little accustomed to subtle distinction, may in the end be led to impute to religion 'that which is but the act of men who are its ministers.'

revolting retribution that attempts are made here and there to mitigate the sentence.

Far be it from us to plead for licence or to relieve vice of its drawbacks, but let us warn our social philosophers against any over-great severity in the treatment of those who have offended against the law. 'Over-great penalty,' says Lord Bacon, 'besides the acerbity of it, deadens the execution of the law;' while the illustrious Beccaria describes 'the end of punishment' 'to be no other than to prevent the criminal from doing further injury and to prevent others from the like offence.' It is not politic to overlook the leading maxims of penal legislation, but it is a matter of congratulation with our jurists that, to some extent, the severity of some of our penal enactments were rather threatening than destructive, and that when a general practice had opposed law, experience confirmed us in the belief, which the memorable master of the Rolls, Sir William Grant, did not fear to avow, 'that, there was no doubt the law was in 'wrong.' Jeremy Bentham also observes in words shewing deep insight into human nature that 'the mildness of the national character triumphs when the law is unjustly severe.' We do not contemplate the extinction of crime, and if such a moral crusade were practicable, cruelty would not ensure success; but if intimidation could prevent crime, the system of Draco is the only sound one. It is not our object, however, to discuss here either the nature of crime or the justice of punishment, nor yet to inquire into the merits of our penal statutes, and to provide for the offences under their cognizance what we may deem adequate penalty. We do not emulate the ambitious labour of jurists and legislators, but are content with the honor and responsibility of an humbler task: we shall venture to suggest in these pages the means by which the most ordinary mode of punishment may be utilized both as regards the interest of Government and the necessities of society.

Simple though the nature of imprisonment may be, social philosophers have not been unanimous as to its object. It is not easy to determine whether imprisonment should aim at punishment or reform, or to quote the words of the once angry disputants, 'whether it was to be moral reform or penal discipline?' Is the criminal to suffer to the extent of his guilt and be allowed to return to a life of evil, or is it necessary that we should adopt means to reform his character, while he is suffering the penalty of past misconduct? There are some who are only too willing to solve the question by the light of *lex talionis* while others would so far forget the nature of penalty, as to overlay it altogether with the attempt to reform. Indeed, the majority seem inclined

to advocate reform at the cost of punishment, but as it may easily be supposed such a system is seriously defective in its practical bearings.*

We are willing to admit the justice of the remark that 'not one out of a thousand thieves has been reformed by passing through a prison,' yet it would be dangerous to attempt to reform a criminal without subjecting him to the penal consequences of his conduct. But to blend punishment with a moral education much more effective in its deterring virtue than the inconvenience consequent on the loss of personal liberty is the system which we propose for general adoption. Though we advocate the blending of punishment with reform, we cannot forget that the security of society, not less than the sense of public justice, demands that we should punish the guilty first, and, if possible, reform him afterwards. To weaken the penal element of our system would be to convert our attempts at reform into a dangerous parody of useful benevolence. We must not offer the guilty any advantage over the innocent, or any other terms than those of strict justice; whether we do or do not succeed in reforming him is a matter of small importance when compared with the stern duties his conduct has entailed on us.

We entertain no doubt on the subject so eloquently discussed by a writer in the *Coruhill* that 'the majority of criminals can be reformed.' A committee of the House of Commons have elicited facts, which conclusively prove that the failure of our attempts may be more justly ascribed to the faulty system employed than to any extraordinary turpitude in the criminals themselves. If to punish the guilty without attempting to reform him be preferable to the Oriental system of retaliation, it is certainly not a system of prison discipline adapted to the wants of the nineteenth century; on the other hand, it is absolutely impossible to reform the criminal without subjecting him to the punishment his conduct has deserved; such a proposition does not require proof. The advocates of a purely punitive system forget that not only the present but the future also has a claim on our attention, while such as would sacrifice to a morbid feeling of philanthropy what is due to justice, cannot comprehend that an injury

* In Sir Joshua Jebb's Annual Report on the English Convict System, the following occurs:—

'The general principle laid down is that the means of reformation should be united with punishment, but that the deterring feature of the sentence should predominate. The system now in force in England combines these elements in a proportion based on experience; and there is reason to believe it has proved more conducive to the combined objects of repression and reformation, than if any undue prominence were given either to one or the other.'

having been committed, expiation is the necessity which must be first satisfied.

Our system therefore is to blend the penal, in itself never sufficient, with the correctional, which is now generally admitted as the only reasonable mode of handling criminals. Not to deprive imprisonment of any of its discomforts but to render its operation certain and its provision adequate are the objects we have proposed to ourselves. In striving to impress on the public mind the importance of the reformatory principle, we do not forget the primary object of punishment. We can only reform such as have already been convicted, but it is the penal character of our system which is to avenge the injury done, and warn others from doing the same. It is not difficult to perceive then, that, while our means of reform are limited to the convicted few, the deterring influence of punishment is intended to work on the large majority, whom we are bound to consider innocent.

If our system does not spring 'from any original starting point' we have at least been enabled to accept or reject the experience of those who have worked before us. The system has in its essentials already received a fair trial in Europe, and with what success the reading public are well aware.* But we have neither borrowed so largely or copied so closely the European system, as to forget the principle of assimilation without which no institution not indigenous to the country can flourish in it.

Having defined the objects of our system we shall now proceed to describe the means by which we hope to attain them; we hold out hopes of improvement to every prisoner whatever be his character or his guilt, and offer him all reasonable means of realising those hopes. We offer to the 'professional' malefactor the means of recovering his lost liberty and to some extent even his social position, and endeavour likewise to impress on his mind the guiding fact that, the prospects of each individual prisoner depend solely and entirely on his own exertions and on his conduct in jail. We trust to the influence of hope to rouse the reckless apathy of the most confirmed criminal, and to induce him to

* The following we extract from an article in the *Times* of the 4th of January last, on Sir Joshua Jebb's Report for 1861:—

'We shall have said enough when we state that a small percentage only of convicts out on licence have proved undeserving of the indulgence, and that, notwithstanding the retention of these classes at home, and the increase in the numbers of our population, crimes and convictions are generally diminishing. That seems a conclusive result, and if we may believe in its finality or permanence it certainly reflects no small credit on the promoters and conductors of the system which has produced it.'

look up from even the depth of his misery and to strive for a better state of living.

The hopes defined, the means of realising them laid out, the other details of the system are matters of trifling difficulty, but yet we cannot forget that the system itself must be raised above the influence of individual caprice. No indulgence should be purely a matter of option with those to whom the working of the system may be trusted. It must not rest with them to forgive an offence, or to set aside a just claim to consideration; and if a prisoner has deserved an indulgence no man's impressions of him should militate against the principle on which it ought to be conceded to him. We must not permit any accidents to disturb the happy results, which we expect from the working of a perfect organisation. We must have either order or anarchy, a compromise is impracticable.

We are told by Sir Joshua Jebb that a disagreeable change in the prospects of the prisoners in 1857, made them unruly, sullen, and heedless of consequences. But to handle them with the least hope of success, we must influence their will so as to make them careful of consequences, whether for good, or for evil. It must be explained to them that they must either labor hard and behave properly to profit by the advantages we offer them, or follow their own vicious will and pay the penalty of their conduct. No refractory prisoner can long continue even in a state of comparative immobility; he must advance and save himself, or fall back and suffer. A correct record is preserved of his daily life, and he finds at the end of his four months' trial that a halt is not less unpleasant than a retreat, and the only means of avoiding the severe penalties of a backward move is to keep up a course of steady, even if slow, advance.

Individualisation furnishes a powerful motive to action. Where every man considers himself part of a system, to be praised or censured with a large body of sympathisers, the motive for individual exertion is weak. On the other hand, when a man regards himself as individually responsible to himself and to the public for his condition in life, he seldom fails to win for himself a fair share of the success which he has to divide with others, equally zealous to win in the struggle; and even if he is left behind, he will have at least the satisfaction of laying the blame on himself and not on his stars. Under the present system of jail discipline, disorderly conduct is punished with stripes or solitary confinement, but beyond the momentary personal inconvenience the culprit is neither better nor worse off than the rest of the prisoners; under the system we propose

every offender against the jail rules does not only suffer immediate inconvenience, but he finds himself distanced by others in his prospects of liberty.

We propose three periods of probation. Firstly, The compulsory out of door labor of the special class; Secondly, Solitary confinement and associated labor; and Thirdly, Tickets of leave. We also propose to divide the jail into four classes: The Special Class, then Class No. III. Class. No. II., and Class No. I.

'The special class has been tried for three years, and so far as it has been carried, it has been attended with marked success.' Thus writes a contributor to the *Cornhill*, and, as far as our own experience of certain similar attempts in the Punjab can serve as vouchers for future experiments, we are certain that its general introduction would justify our strongest expectations.

The special Class is to consist of, 1—All prisoners sentenced to four months imprisonment or under, not including the periods of commutation for fine and stripes. 2—Of all prisoners who have been sentenced to imprisonment in default of security for good behaviour. 3—Of such prisoners of the second class as have been allowed, as an indulgence, to complete the last four months of their term in the special class.

Special Class prisoners are to build their work-sheds under the outer wall of the jail, in one row and of a uniform size; if the sheds are built of any combustible material, they must be completely clayed over before occupation. No doors are allowed, but *tatties* may be used during the rains, the sheds are not to be walled off into compartments.

Special Class prisoners must work ten hours a day and cannot leave the workshop, without express permission from the superior officer present at the time. Such as are able to find securities for appearance may be permitted to sleep in their homes. One guard should be allowed to every ten special class prisoners, and an extra guard for every addition of fifteen prisoners to the class. The guards must count the prisoners sleeping in the workshops three times a night; prisoners are not to be disturbed in their sleep, unless unavoidably, nor is it necessary to identify each individual. Special Class prisoners may have half an hour's rest after mid-day, but they cannot leave the precincts of their jail quarters during such half an hour of rest, unless permitted by the jail officer or his head native subordinate. The standard of their daily work is to be adapted to that of free labor. Special Class prisoners are to complete their sentence of imprisonment by the number of working days. Three months imprisonment expires on the evening of the ninetyeth day, exclusive of Sundays, and periods of

sick leave. Cases of illness are to be certified by the Medical Officer in charge of the jail, otherwise the prisoner's absenting himself from work renders him liable to punishment. Special Class persons are not entitled to any leave of absence except on medical certificate.

Special Class prisoners are to be allowed a gratuity amounting to one third of the proceeds of their labour. When it is feasible the prisoners must receive cash payment for their work, a third of the amount earned being made over to them. Should this not be practicable their accounts shall under no pretence whatsoever be delayed more than six weeks, during which time prisoners may receive daily advances for their food, or they may mess with the rest of the jail by paying for their rations. Special Class prisoners are to dress at their own cost,—each man according to his own liking—and he may purchase clothing material from the jail stores on credit up to the amount of gratuity already due to him. Special Class prisoners have to pay for their guard. Cases of contumacy, absence without leave, or any other infringement of jail rules are to be punished with loss of gratuity, stripes, or solitary confinement. Escapes must be punished as if from close imprisonment. Special Class prisoners shall not be allowed to enter the jail, and every breach of this rule should be severely punished.

Female prisoners of the Special Class are to be treated like the males, but in default of securities for appearance, a contingency not likely to occur often, they must be sentenced to close imprisonment with third class prisoners of the same sex.

On starting the Special Class, it should consist of all such prisoners as are suffering imprisonment in default of security for good behaviour.

The rest of the prisoners are to be divided into three classes. The third class is to consist of: 1—All cases of re-committals, unless specially exempted for good conduct. 2—All lazy and doubtful characters. 3—All those who have four months or less than four months of their terms of imprisonment to undergo. 4—All those who have been punished with stripes within the last three months of the formation of this class.

After the formation of the third class every prisoner on admission into jail must serve a probation of four months in this class before he is entitled to promotion. The third class is to be recruited by admissions into jail, and by reductions from the higher classes.

The three classes shall be kept separate from one another in the workshops, as well as in the sleeping wards. Third class

prisoners are to wear on the back of their *koorta* three red stripes; the other classes a number corresponding with their class in jail. Third class prisoners cannot communicate with their friends or relatives *under any necessity*; two thirds of the solitary cells are to be occupied by them in rotation, they are to be punished with the utmost legal rigour for the very first offence, and for every such case of conviction the prisoner must have an extra month of hard labor in the third class. They are neither entitled to any remission of the original sentence, nor are they allowed to fill any of the coveted offices in the jail.

Third class prisoners are to be sub-divided into three stages; the first, should consist of such as have six months, or under, of imprisonment to undergo; the second, of such as have twelve months and not less than seven months; and the third, of such as have over twelve months.

They are to be re-divided into three grades according to conduct and industry. At the end of each week two numbers are to be entered against the name of each prisoner; one, to indicate the nature of his industry and the other of his conduct in jail, three being the maximum number of marks, two the medium and one the minimum. After every four months trial, those who have obtained three fourths of the maximum both in conduct and industry, will have entitled themselves to promotion into the second class.

It will be optional with the jail officer, to divide the third class prisoners into working parties, and place them under the responsible charge of the select men of the first class. Third class prisoners who cannot claim any indulgence and who cannot be reduced to a lower class, are to be punished with an additional month of hard labor in the third class, for every case of breach of discipline. But when a higher class prisoner is reduced, he must work four months in the lower class before he is entitled to promotion. If a first class prisoner is reduced to the second, he also forfeits a moiety of the term of remission to which he might otherwise have been entitled. A second similar reduction deprives the prisoner of all claims to remission, besides rendering him liable to any other penalty which he may have incurred.

On starting the second class, it shall consist of prisoners of orderly habits and ordinary working capacity, who have not been punished with stripes or solitary confinement within the three months preceeding the formation of this class. The second class shall be recruited by promotions from the third, and reductions from the first class. It must furnish occupants to one third of the solitary cells; second class prisoners may receive visits,

from their friends and relatives once in two months, provided always that there be not allowed more than five such visitors in the jail on any one day. Unless guilty of any gross breach of discipline, second class prisoners shall only be reduced to the third class for the first offence; they may also, as an indulgence be allowed to serve out the last four months of their sentence in the special class; ten per cent of their number may be allowed extra food, at a cost of four annas a head, for any remarkable application to work.

The prisoner who makes a fair progress in reading and writing, or successfully assists others in doing so, is to be considered entitled to the highest mark for industry. Every prisoner in jail must be taught to read and write; those in the first and second classes must shew fair progress in their studies or be reduced and otherwise punished.

The first class shall be formed out of master workmen if well behaved and industrious; of all *Lumberdars*, if properly selected; and of all clever workmen, who bear a good character. This class is to be recruited entirely by promotions from the second; jail officers must not be hasty in the award of the indulgences to which the first class prisoners are, under certain conditions, entitled. That these indulgences may act as incentives to good behaviour, they must be reserved for those who have earned them by general good conduct and not through the mediation of friends; an abuse of them would result in the substitution of licence for what we may justly call restrained freedom. The second and third class prisoners may at the discretion of the jail officer be divided into small working parties, and be placed under the surveillance and orders of the select few of the first class. A first class prisoner cannot have a stronger claim to indulgence, than a successful management of the prisoners placed under his charge.

A first class prisoner must shew a fair proficiency in manual labour, and a fair progress in 'schooling,' and must also bear a good character; efficiency in other respects is not to atone for any drawback in this particular. First and second class prisoners must be divided in grades and stages like those of the third, they must also be housed apart, and no means be neglected to perpetuate the distinctions between the different classes.

The indulgences allowed to the first class prisoners are remission of a portion of their original sentence; exemption from corporal punishment; permission to receive two visits a month from their friends or relatives; the allowance of a monthly gratuity. First class prisoners are allowed to lay out half

of the amount of their monthly gratuity on food or clothes ; they may also be employed in Government works, if furnished with a certificate of good character.

Ten per cent of the first class prisoners are to be allowed a gratuity of twelve annas per month, and fifteen per cent of the remainder a smaller gratuity of eight annas per month, provided that the first class gratuitants have obtained three fourths of the maximum marks allowed for conduct and industry, and the second class gratuitants two-thirds of the said marks. If the number of those who are entitled to first class gratuities exceed the number of such gratuities, they shall hold and enjoy the second class gratuities in preference to those who may be technically entitled to them. First class gratuitants may dispense with the jail uniform, and otherwise provide for themselves at their own cost. At the discretion of the jail officer two of the first class gratuitants may once a month be allowed to absent themselves from the jail on business, but on no account are they to be allowed to stay out more than four hours, and the fourth hour of the leave shall not be later than two and three o'clock in the afternoon.

Of the remissions to be granted as rewards for good conduct and efficiency, we subjoin the following scale :—

In the case of a twelvemonth prisoner the remission may amount to one eighth of the term ; of sentences ranging from fourteen months to two years, one sixth may be remitted, of sentences of, from three to four years, one fifth may be remitted ; and of sentences of from five to seven years, one fourth may be remitted.

The condition under which remissions can be allowed are, 1. The promise of good behaviour during the term of the remission ; 2. The revocation of the licence to entail on the defaulter imprisonment for the full term of the remission ; 3. The prisoner on ticket-of-leave is bound to keep the police informed of his whereabouts ; and in default of doing so to be liable to revocation of the licence ; 4. When the licence is revoked the prisoner is to be re-admitted into the third class.

A third class prisoner must strictly observe the jail rules ; the first infringement of them subjects him to the utmost rigour of the penalty he has incurred. On the other hand it is in his power to work his way up into the second class and thence to the first where he shall have an enlarged freedom of action, and whence he may obtain his liberty under certain conditions.

It is necessary for the success of our system that it should be worked out by officers of experience, who have evinced an aptitude for jail management. Once established on a practical

basis the system, we think, would work with ease and uniform success; but it must be borne in mind that the least want of care or vigilance in the directing mind, would render failure inevitable. The jail officer should be the *de facto* governor of the jail, all interference with his orders by his official superiors should be unsparingly condemned. The district officer must support him with his authority, and the jail darogah must assist him with his intimate knowledge of individual prisoners, and of the internal economy of the jail. The district officer may hold the jail under direct management; but when he has once placed it under the charge of an assistant, he should never allow himself to be influenced by any feeling of jealous competition with his subordinate.

If the district officer finds it necessary to interfere, let him rather resume charge of the jail than suffer it to continue under any mismanagement that would necessitate the unseemly meddling of two authorities. Conflicting influences are fatal to discipline, and the system which depends so much on a homogeneous organization must succumb under the irregular action of hostile jurisdictions.

We must protest here against the involved duties of jail officers in the Punjab. Unless the evil is remedied at once, we must cease to look to that province for any progress in jail management. Besides a heavy file of revenue and judicial work, which cannot for ever so short a time be permitted to fall into arrears, the jail officer has charge of the Civil Treasury and is also trusted with the responsible duties of Secretary to the Conservancy Committee. Under such circumstances it is impossible for him to devote to the most irksome and, officially considered, the least important work, any time which he can with advantage apply to the discharge of the more congenial duties of Judge. It is thus that his native subordinate assumes charge of the jail and the jail officer subsides into a nonentity, as far as the jail is concerned, who may, at the will of his *de facto* master attach his signature to jail returns of which he does not pretend to know much, and to jail accounts of which he absolutely knows nothing.

In behalf of the Punjab jails we advocate a different division of labor; the assistant in charge of the jail should have no direct or active connection with either the Civil Treasury or the Conservancy Department, and he may then be expected to afford to the control of his charge a more undivided attention. Considering that the number of the Punjab jails have been most judiciously reduced, and an attempt has already been made to assign to each a branch of manufacture for which it may

possess peculiar facilities, we have reasons to hope that the supervising work of the European officer, will be lightened without impairing its efficiency.

We warn jail officers against too hasty a distrust of their native subordinates, as well as against the mischievous system of espionage. It is notorious how an officially recognised spy converts his influence with the jail officer into its value in money, and how, after a short career of doubtful usefulness, he succeeds in establishing a reign of terror within the precincts of the jail. All *bond fide* information must be acted on after strict inquiry, but no systematic espionage should be permitted to introduce a dangerous element into the executive.

It is also a very unsafe policy to administer severe rebukes to the jail darogah in the presence of his subordinates. Such a demonstration of ill will from the *de jure* against the too often *de facto* governor of the jail is subversive of discipline. The European officer cannot always be present in the jail, while his native assistant is at least expected to be so, and if the prisoners and the subordinate jail establishment are taught to contemn the darogah's authority, it is impossible to conceive by what means the jail officer hopes to preserve discipline among them. We strongly censure the laxity which permits the darogah to assume and exercise equal authority with his superior officer, but yet it is the *sine quâ non* of successful jail management that he should supervise the internal economy of the jail, and report for superior orders every case of irregularity that may fall under his notice.

The leading provisions of our system must be explained to every prisoner on admission into jail. This explanatory instruction is the darogah's special duty and he should be warned against slurring over so important a task.

It may not be unreasonable to expect that every prisoner will learn a good deal of his prospects in jail from those who have served some time in it, but by a direct official explanation we may be able to impress on his mind the importance which we attach to the subject. Every prisoner must learn from the jail authorities the connexion between his prospects in jail and his individual conduct in it; he must also learn from them what he has to hope from good conduct and successful industry, and what to fear from wilful mischief or contumacious idleness.

There will be in almost every jail some desperate characters, who would baffle all human efforts to reform them; but we must not lose sight of the simple and effective though harsh means at our disposal to counteract the force of their vicious example. In the

treatment of the incorrigibles we must adopt a mode not only summary, but also severe; for though a character for hardihood is associated with spurious honors both in and out of jail, yet the limits to human endurance are easily reached. In short we must not permit any hero worship among criminals; a hero in jail affords strong constructive proof of an imbecile in charge of it, and we cannot allow the shirking of due responsibility by a reference to the inherent character of the evil. No class of men have a keener relish of vulgar humour than those who have acquired some experience of criminal life; an easy going jail officer is the never failing subject of jail pleasantries and under such a weak shepherd the flock may be happy, but obedience will only be a matter of option. No just exercise of authority on the part of the jail officer can maintain even the shadow of order, if every attempt at reform is strenuously opposed, and the pliable authorities give it up as a practical impossibility. As a matter of course the jail hero leads the opposition, and unless his pretensions are humbled, it is impossible to enforce anything beyond the appearance of discipline. It stands to reason that the prisoner who successfully takes off the jail officer is not likely to submit patiently to the authority of the jail darogah; the jail establishment are in dread of his displeasure and concede to him the privilege of discretionary obedience to the jail rules. The jail hero is generally well informed of the malpractices of his comrades, and is not forgetful of the criminal leniency with which the jail establishment have condoned them. He jealously guards against any interference with the exercise of his prescriptive privileges, and if left alone is not wanting in due indulgence for the faults of others. But any complaint against his authority is effectually silenced by a threat, the sincerity of which is well vouched for by his reckless character.

A jail officer who has taken pains with his charge cannot be long doubtful of his antagonist. Having singled him out as an example to the rest of the jail he can proceed against him most successfully by carrying out to the very letter every jail rule in force. As a matter of course the jail hero is the chief offender against these rules, and under a vigorous management the jail establishment never fail to bring him to the notice of the European officer, and leave him to struggle as he best can against the chief controlling authority of the jail. The contest may be protracted, but the issue is never doubtful; the hero feels the spirit of the change; the happy days of subordinate management are over; he affects the most sublime indifference to punishment, and continues to pride himself in a

short-lived notoriety for unflinching hardihood. But between the hero and the martyr, the difference is not one of degrees. Adversity makes the martyr; the hero finds adversity unbearable. Once more he alters his programme and goes a step lower in the scale of distinction; he turns an informer and begins to stir up the cesspool of jail iniquities. The jail officer is of a sudden overwhelmed with criminal information against the jail establishment and any individual prisoner, who might have been slow of sympathy for the enraged hero. If the jail is not to be disorganized a general amnesty should follow a general warning, and all future delinquents treated without regard to the past. The baffled hero then descends from a position of power to one of contempt, and here ends his career of criminal glory. Reduced diet, solitary confinement, and corporal punishment are unfailing cures of so called incorrigibility, and in the treatment of such cases the utmost legal rigour should be adopted, for the question at issue is, whether order or anarchy is to rule in the jail.

Among the junior members of the Punjab commission a love of short imprisonments seems to have received an unfortunate development. In some cases the evil has found its way among officers of a wider experience. It betrays inability to appreciate either the duties of a magistrate or the objects of punishment; the magistrate seems reluctant to punish any, or too eager to punish all. Short terms ought to be very rare; where a fine would suffice, imprisonment is neither just to the criminal nor fair to the state. Fractional portions of a week should never enter into a sentence; no such nice discrimination is necessary in practice. A short term of imprisonment is often awarded, when a fine would meet the emergency of the case or when a longer term was necessary.

Professional offenders do not object to short terms and even seem to relish the alternation of liberty with imprisonment. Short terms cannot afford any reasonable opportunity for the operation of the reformatory element of a system, while they inflict certain loss on Government. Those who cannot discriminate between the necessity which would only warrant a fine and that which would justify a long term of imprisonment, are certainly wanting in an important quality of the judicial mind without which judicial efficiency is utterly impossible. We do not advocate too great a nicety in adapting the penal award to the offence, but broad distinctions should be observed if crime is to be punished and the pecuniary interests of the state to suffer no loss. The advocates of short terms have been consistent in their inveterate liking for solitary confinement, and though in theory

the principle they avow is perfectly correct, its practical defects are too glaring to pass unnoticed. We should wish all jail officers impressed with the necessity of strictly adhering to the provisions of the 73rd and 71th sections of the Penal Code. We should never punish any prisoner with solitary confinement more than once a year, exclusive of the period he may be specially sentenced to on conviction. Any unnecessary severity in the infliction of this terrible punishment is attended by those painful results, which the late Dr. Daly so feelingly described.

Viewed theoretically every prisoner ought to defray the costs of his keep, in practice however this never has been or ever will be attained. Though the obstacles which stand in the way of all such attempts at economy are not such as can be completely overcome, yet we shall offer a few suggestions which may help partially to overcome them.

Foremost among these obstacles is the very nature of forced labor. Compulsion has never proved a successful substitute for the motives of self-interest, which render free labor remunerative; in Cashmere where public works are done by impressed labor, even a small daily allowance has not proved a sufficiently strong inducement either to increase the quantity, or improve the quality of the work. This evil is inherent in the nature of imprisonment and must be accepted as irremediable; but by connecting the prisoner's prospects of liberty with his conduct in jail, we hope to supply him with motives for increased industry, and a more intimate interest in his work.

Though guards are indispensable to penal custody, they have hitherto been maintained at a cost which we do not attempt to justify. We trust, however, that with a special class and a fair system of ticket-of-leave, we shall be able to effect some reasonable reduction in this item of prison expenditure.

Every prisoner pays for his medical attendant, and the charge even if fair, is one of the necessities attending imprisonment. While free, he is killed or cured without any other cost to him than that of some physical pain, which he values less than money. He may be saved in the jail hospital, while the neglect of his village home may kill him, yet the consideration does not affect the pecuniary question, and the man who pays for his cure is in this respect worse off than the man who does not. Energetic labor, continuous but not excessive, is not less desirable in jail than out of it, and care must be taken that no prisoner whatever may be his taste or liking, is denied this healthy exercise. Charity cannot avail the poor in jail. He may be a professional beggar and his new career of industry may be strange and

irksome, but yet as long as he is in jail he is treated as a productive laborer.

We must also recollect that it is not every man out of jail that can honestly provide himself with the means of independent livelihood, and that many incur the alternative of debt. The poorer classes are but 'indifferently honest' in repayments of money obligations, and sometimes fresh debts are their only source of income. But as long as the bankrupt continues in jail—and the jails have a very large proportion of those who do not or cannot pay their debts—he cannot incur debts, though his love of industry is not increased by his being compelled to labour. He may work ill or he may work well, but he must be paid according to a standard dietary, and that standard is invariably high.

Peculation among the jail officials is also a charge against jail industry; jail officers who fancy that the ordinary supervision of indoor works has destroyed peculation among the jail establishment go far to prove how powerful faith is, when a habit of idle credulity precludes inquiry. It is impossible to check peculation in accounts by placing against the price of the raw that of the worked material, without also comparing the quantity of each. A maund of worked cotton is naturally much more valuable than the same quantity of the raw material, but unless the weight of the worked cotton is compared with that of the raw material provided for the manufacture, we shall be unable to calculate the value of the labour expended upon it, or check the peculations of the jail establishment. We do not produce in any of our jails such highly finished goods, as to render the application of the proposed test at all difficult; we know from our experience of one of the Punjab jails how successful the test was in checking the wholesale fraud of the darogah and his efficient staff of dishonest underlings.

It is impossible to overlook the mischievous results of the injudicious allotment of labor in jail. A free laborer makes choice of a trade, confines his attention entirely to it, and after the usual term of apprenticeship he earns by it his means of livelihood. If he is imprisoned, in nine cases out of ten, he is put to some work for which he has neither taste nor capacity, and, while he is undergoing a tedious course of preliminary teaching, the cost of his keep is a loss to Government. Sometimes the mischief is unavoidable; in a district jail a shawl weaver is an unproductive laborer, and lives on the charity of the Government. This however is merely an accident and does not always admit of a complete remedy; but it is the general evil which arises from a want of proper attention to this subject on the part of the jail authorities to which we have drawn our readers' attention.

The world outside the jail does not emulate our imperial apathy, and free labor is consequently remunerative. We are not told why labor and capital should be wasted in the production of goods for which there is no demand or which cannot be sold without actual loss. It is not usual with the monied world to buy in a dear market and sell in a cheap one, and still less to buy what cannot be sold at all. The jail officer can easily ascertain the wants of his own and the neighbouring districts, and the jails may so arrange it among themselves as to supply one another with articles of mutual necessity to their mutual advantage. It may speak in favor of the high artistic taste of the jail officer, if he succeeds in the manufacture of Turkish towels and fancy carpets, but while we have to contend for economy, the fine arts may with advantage be left to those who have the means and leisure to devote to them.

We should allot to each jail the manufacture of certain articles of general demand for which it may possess peculiar facilities. It is not intelligible to us why every jail manufactures its own clothing, if one jail in each division could supply the rest with the necessary material at a smaller cost? Committees may be appointed in different parts of the country to inquire into their local productive resources, and thereby determine the different manufactures, which may with advantage be apportioned among the several jails. Then when the division of labor has been judiciously effected, we should be in a position to undertake commissariat contracts, and undersell all private competitors. A jail ought to rest satisfied with small profits, but small profits must be made on large returns before they will replace the stock, pay labor, and remunerate the capital employed on them. It secures far larger gain to employ large bodies of men in one profitable work, than to engage them in different manufactures for which there is doubtful demand. Large bodies of men working in concert work more effectively and have greater facilities of improving the quality of their work; labor is better economised; accounts are better kept; and not the least of the advantages of combined labor is the profit on extensive purchases of raw materials.

When prisoners are employed on new work, they make the most of their opportunity and work as little as possible; every attempt to expedite work is successfully met by the not unreasonable plea of ignorance. Thus, in the end, Turkish towels and fancy carpets prove expensive luxuries, for which the plaudits of an obscure station are but a poor recompense.

Commissariat contracts should be undertaken by every jail within easy reach of large cantonments. After a very extensive experience under circumstances anything but favorable, we

consider such undertakings highly desirable, and unless the jail management is perfectly disgraceful, they ought to be the most successful of all jail speculations.

Thus far, though very cursorily indeed, have we alluded to the economical aspect of the question before us, and we must confess that it ought not be subordinate to any other. It has an essential importance of its own. It is a question of no small moment how the punishment of those who have offended against the laws of the country may be effected without any serious drain on the public means; while no fact is better established, according our own experience in the subject, than that the best managed jails are also comparatively the least expensive.

We are not willing to judge the conduct of prisoners by any higher moral code than what has generally obtained among their free brethren. Prisoners are not likely to underrate the profitable uses of dissimulation, and as a rule, it would be unsafe to judge of their convictions from their ordinary conduct in jail. 'We cannot,' says a writer in the *Cornhill*, 'draw any positive inference as to the reformation of a prisoner from his observation of a demeanour very properly urged upon him by his religious minister.' He has neither the scope nor the opportunity for the practice of any high virtue; beyond orderly behaviour and ordinary application to work, we have nothing to expect from him. The restraints imposed on his will are such as almost to deprive him of a choice of action, and therefore his highest merit is comparatively humble; since we have not the means to judge either the nature, or the extent of his reformation, we ought at least to exact from him implicit obedience to the rules for enforcing discipline. As long as a prisoner continues in jail he is subject to a course of discipline, the tendency of which is to reform his habits, but yet we cannot suppose that it is within the jail walls that we can test the results of his education. A prisoner may successfully assume orderly habits, or he may for a time follow the example of the well behaved, but no man with any knowledge of the world would venture to draw any positive inference from his life in jail, as to his probable course of life when emancipated from all restraint. Still we advocate strict attention to his conduct in jail: those who are not reformed must still be orderly and industrious.

We now come to the consideration of the important question of relapse into crime. It is to be regretted that with the means which we possess for ascertaining the mode of life pursued by discharged convicts, we should have failed to collect any reliable data, with the view of testing the working of our prison

system. Some men may reject the necessity of such inquiry, but granting, as we willingly do, that relapses test the reclaiming rather than the deterring character of punishment, yet it is highly desirable that we should know how far punishment alone is effective in checking crime.

Under the existing system the moral responsibility of relapses rests solely with the body of public detectives. Imprisonment can only deter when the chance of detection dominates over that of escape; for even when severity in jail discipline degenerates into simple cruelty, imprisonment is still ineffective as long as the hope of escape is justified by a corrupt executive. The responsibility of relapses under such circumstances rests entirely on those who are entrusted with the detection, and not the punishment of crime.

Under the system we have endeavoured to set forth, the moral responsibility of relapses into crime is justly divided between those who have to detect, and those who have to punish crime. While he is expiating his past misconduct, attempts are made to reform the criminal; he is armed against the dangerous fascinations of a lawless life not only by a just fear of its consequences, but by the stronger, though painfully acquired motive of an abhorrence of crime itself. In the one case external influences alone act on his mind—the dread of the police, the disagreeables of a prison life, and the unpleasant vision of the cane and the triangle are strong checks against evil tendencies—but yet their united force as deterrents is only proportionate to the certainty with which crime may be detected. But the object of moral reform is to furnish the criminal with motives to avoid crime by awakening his mind to a just appreciation of his degraded position, to the nature and consequences of crime and by offering him the means of honest living. When a prisoner has so far successfully resisted the influence of evil associations as to shun crime for other reasons than a fear of its immediate consequences, the success of our attempts is complete, and prison life, with its moral opprobrium and severe discipline, will then be viewed not merely as the unpleasant consequence of a relapse.

It is not necessary that we should now enter into a discussion of the merits or defects of the system of which we have endeavoured to suggest some improvements. If our plan does not justify hopes of a brighter future, at least the principles it embodies have achieved unqualified success in England, Ireland and some countries of continental Europe. We have endeavoured to suggest correctives to the hardening influence of prison life, to hold out hopes of improvement in the guilty, and to indicate the means by which these hopes may be realized.

- ART. IV.—1. *Miscellanies: Prose and Verse*. By W. M. Thackeray. London: Bradbury & Evans. 1857.
2. *Vanity Fair. A Novel without a Hero*. By W. M. Thackeray. Bradbury & Evans. 1848.
3. *The History of Pendennis. His Fortunes and Misfortunes, His Friends and his Greatest Enemy*. By W. M. Thackeray. Bradbury & Evans. 1850.
4. *The Newcomes. Memoirs of a Most Respectable Family*. Edited by Arthur Pendennis. Bradbury & Evans. 1853.
5. *The History of Henry Esmond Esq. Written by Himself*. Smith, Elder & Co. 1852.
6. *The Virginians. A Tale of the Last Century*. By W. M. Thackeray. Bradbury & Evans. 1858.

WHAT connection has Mr. Thackeray with the Indian public, or what interest have they in him, more than in any other great author of the present time, are questions which will involuntarily rise to the lips of most readers who glance at the title of our article. Fortunately, Mr. Thackeray himself has saved us the trouble of a reply. In the story at the beginning of the last number of the Cornhill Magazine a man is described 'tottering up the steps of the ghaut,' having just parted with his child, whom he is despatching to England from India. Mr. Thackeray 'wrote this,'—to use his own pathetic words—'remembering in long, long distant days such a ghaut, or river-stair, at Calcutta; and a day when, down those steps, to a boat which was in waiting, came two children, whose mothers remained on the shore. One of those ladies was never to see her boy more; and he, too, is just dead in India of bronchitis.' The boys were 'first cousins;' had been 'little playmates and friends' from their birth, and the first house in London to which they were taken was the house of their aunt. Who were the boys? Their careers ran wide apart; their fates have been different; but the world has learnt to reverence both. The name of one is not unknown in the regions which lie between the Godavery and the Oxus,—that of the other, rings 'familiar as a

'household word' from the Danube to the Mississippi—Sir Richmond Shakespear and Mr. Thackeray. Who was the aunt? The mother of Mr. Ritchie of our Supreme Council. 'His Honor' was even then a gentleman of the long robe,' adds Mr. Thackeray, 'being in truth a baby in arms.' Mr. Thackeray was born in Calcutta in 1810. His father was in the Bengal Civil Service, and for many years held the office of Collector of Calcutta. A brother or cousin of his (a barrister and well known to us) edited the Bengal Herald. The earliest associations of his mind are connected with this country, and he has himself in a thousand places confessed that the dark and turbaned faces among whom he passed his infancy, and the landscapes with which that infancy was familiar—the palms, the rice fields, the tanks, and the dark blue sky still appear to him in dreams. Under these circumstances, we defy the most ingenious counsel, to make out a case to exempt him from our authority. Nay, personal considerations apart, there is enough of Eastern matter in his works to justify us in considering them as within the limits of our legitimate jurisdiction, and subjecting them to the ordeal of a critical examination. Was not Mr. Joseph Sedley,—Waterloo Sedley,—the Collector of Bogglywallah known to all of us? Has Mr. Thackeray himself not allowed that Mr. Charles Honeyman, the clergyman actor no longer preaches in Lady Whittlesea's chapel, but has gone out to India, and have we not often heard him preach? Cannot many of us recollect the noble Colonel Newcome, who was ruined by that unfortunate affair of the Bundelcund Bank? The regiment, which he commanded, went off during the mutinies, but there are people who still declare it would have remained staunch, had he been at the head of it. The devotion of his sepoy towards himself, personally, was certainly marvellous. Did not Dobbin the author of the "History of the Punjaub" win his C. B. ship in India? And was it not at a Town Hall re-union that Glorvina first displayed that beautiful crimson silk dress, which Major O'Dowd thought would finish Dobbin? Is not Mr. Goff, who wears white wash-leather gloves, drinks fairly, likes a rubber, and has a story for after dinner, beginning 'Doctor, Ye racklact Sandy M'Lellan who joined us in the 'West Indies. Wal, sir,' still in command, or was till the other day, of one of our magnificent passenger ships? Was not Rummun Loll our own prince of merchants? Did he not go to England; was he not admitted into the first society there and reckoned a philosopher, and spoilt by the ladies, till the bubble of that wonderful Bank burst? Where did Major Gahagan perform his wonderful feats of valour? If Mr. Thackeray had

been born in England, he might still be called on to take his trial before us. Indian materials are interwoven in the fabric of all his works, and we have a right to examine if they have been handled with taste and discrimination.

Mr. Thackeray has had a long and hard struggle up the hill of fame. His first efforts in composition fell flat on the public. He piped but they did not dance. Nobody condescended to notice him. The reception was most salutary. A man, that, suddenly and by a single effort starts up into popularity, rarely achieves much. Success turns his head. There have no doubt been glorious exceptions to this rule; but generally the writer that 'awakes one morning and finds himself famous' awakes another, and finds himself forgotten. It may be the fashion to praise him for a time, but fashions pass away, and critical rules endure. The scrutiny of severer tests than the mere whims of the hour is applied to his works, and under the touchstone their fictitious merits fade away. A man, on the contrary, who at the outset of his career is abused or, harder still, is unnoticed, if he have within him the germs of real genius, feels his nerves strung, and his powers developed under the treatment, and redoubles his exertions, heedless of the clamour or the silence around him. I know that it is in me, he says with Sheridan, and out it shall come. So he works on, and in the end secures a niche in the temple of immortality.

It is not to be imagined for a moment that because Mr. Thackeray's earlier works were neglected they gave no indications of his powers. They are sketches, generally, but drawn with a bold free hand, such as ought to have attracted the attention of discerning critics. In one instance, indeed, the attention of a critic of no mean powers was drawn to them. 'I have got 'hold of the two first numbers of the Hoggarty Diamond,' wrote John Sterling in 1841, 'and read them with extreme delight. 'What is there better in Fielding or Goldsmith? This man is a 'true genius, and with quiet and comfort might produce master-pieces, that would last as long as any we have, and delight millions 'of unborn readers.' High praise, but by no means undeserved, as thousands of people now allow. The Vicar of Wakefield is a master-piece of Goldsmith; once read it is never forgotten. But in simplicity it is equalled; in discrimination of character, in humour, in delicacy, in depth of pathos, it is greatly surpassed by this little novel of thirteen chapters, which the public so cruelly neglected for a time.

The secret of Thackeray's and Wordsworth's success is identical. It may appear paradoxical to say that the author who

lives most amongst men, and the author who dwells most amongst clouds—the most truthful delineator of the phases of society, and the most faithful painter of the phases of nature, owe their triumphs to the same cause. But nevertheless such is the fact. Both despise arbitrary and conventional rules as stumbling blocks in the path of faithful representation. Before the time of Wordsworth a poet might have written on a withered rose, on the boundless ocean, on the hardness of Chloe's heart, on Corydon's despair; but to write about a pedlar, a leech gatherer, a beggar woman, 'the common growth of mother earth,' would have been thought sacrilege. Before the time of Thackeray a novelist might have drawn a hero, brave and handsome, and conducted him, through three volumes of difficulty and intrigue, into the haven of a happy marriage—but to draw a hero with big hands and splay feet! The consequence was that poets and novelists alike walked on stilts. Poets sang of hearts and darts, and eyes and sighs, till nobody cared to hear their sentimental nonsense, and novelists wrote about the gallant horseman who rescued the young lady from the hands of brigands and then fell in love with her, till readers fell asleep. When the world was fairly tired of the charms of Amoret, and of the Zephyr that fanned her, as she lay asleep, there was heard deep voice saying

'The dragon's wing, the magic ring,
'I shall not covet for my dower;
'If I along life's lowly way,
'With sympathetic heart may stray,
'And with a soul of power.'

And critics listened perfectly bewildered. Some were scarcely able to form a judgment; others, accustomed to the beaten track, like Lord Jeffrey, reviled and scoffed; the most discerning like Wilson and Talfourd felt that a new era had dawned on English literature. Equally great was the astonishment, equally divided the opinions, and ultimately equally loud the applause when Mr. Thackeray propounded his doctrine and displayed society daguerreotyped. No more heroes and heroines of the old, approved, faultless, procelain cast, we had real flesh and blood instead; men and women as we see them. It was a revolution as complete as that which Wordsworth had effected. One critic who admired 'good Dobbin' asked in his simplicity, 'but why should 'the major have clumsy feet Mr. Thackeray?' another critic enquired why Amelia so gentle and affectionate should be also so insipid? Years passed before Mr. Thackeray could get people perfectly to understand his lofty theory, or unqualifiedly to admire the skill with which he worked it out.

No poet can live in the hearts of the men of distant generations unless he be true to his high calling. His life as well as his works must be poetry. The accounts of Shakespeare which have come down to us are too vague for us to form a decided opinion about him; but we may rest assured that the mind which conceived a Juliet, an Imogen, and a Desdemona, received no taint from any atmosphere by which it was surrounded. The glimpses that we catch of his life from occasional passages in his own works never dispel, but always realize our conceptions; witness those pathetic lines on his player life so often quoted by Elia.

Hence is it that my name receives a brand,
And even hence my nature is subdued,
To what it works in, like the dyer's hand.

Milton's life was certainly a poem, as symmetrical and sublime as the *Paradise Lost*. Wordsworth's poetry is the reflection of his life in still waters.

If these doctrines hold good with regard to the poet, they must hold equally good with regard to the novelist. Has not the novel been correctly described as the prose epic? Mr. Thackeray's life is perfectly consistent with his works. In both there is the same 'wholesome hatred of meanness and knavery,' 'the same cheerfulness,' the same 'vast sympathy' and the same love of human kind. It could not be otherwise. If as a man he were different, could he hold the same place in the affections of his vast congregations? Could he be the profound writer which he is universally admitted to be? Out of the fulness of the heart the lips speak. A hypocrite cannot long practise his hypocrisy successfully. An actor must sometimes inadvertently betray himself.

To what end or with what object are these observations made? They ought to lead we think to most practical and most useful results. What hosts of followers have there risen up both of Wordsworth and Thackeray! Suppose all these persons were to believe in the justice of our remarks and to act accordingly. Should we not then have a larger number of good men and women in the world? There might not be a larger number of good writers, for the converse of our proposition will not hold; but will not enough have been achieved, if all these poets and novelists attempted to illustrate their works in their lives. In the failure of almost all the imitators and the success of only a very few, we see perhaps the best proofs of the soundness of our doctrine. Men will try to write like Wordsworth and Thackeray, and yet live like Byron and Maginn—the inevitable result is failure. Of

the echoes that have succeeded, and that bear any resemblance however remote to the melody of the instrument in the master hand, not one as far as we know proceeds from a person of life discordant with his master's principles. Numerous instances might be given, but two shall suffice. Trench may stand forward as an example of the followers of Wordsworth, Miss Evans better known as George Eliot of Thackeray—worthy disciples both.

Extracts from any works but those of Mr. Thackeray would be out of place in our article, but we cannot resist the temptation of selecting one passage from each of these writers, to show that the instruments of neither give an uncertain sound. Published anonymously, one might easily mistake the poetry for Wordsworth's and the prose for Thackeray's.

Sonnet.—Returning Home.

To leave unseen so many a glorious sight,
 To leave so many lands unvisited,
 To leave so many worthiest books unread,
 Unrealised so many visions bright;—
 Oh! wretched yet inevitable spite
 Of our short span; and we must yield our breath,
 And wrap us in the lazy coil of death,
 So much remaining of unproved delight.
 But hush, my soul, and vain regrets be stilled;
 Find rest in Him who is the complement
 Of whatsoever transcends your mortal doom
 Of broken hope and frustrated intent;
 In the clear vision and aspect of whom
 All wishes and all longings are fulfilled.

* It is for this rare, precious quality of truthfulness that I delight in many Dutch paintings, which lofty-minded people despise. I find a source of delicious sympathy in these faithful pictures of a monotonous homely existence, which has been the fate of so many more among my fellow mortals than a life of pomp or of absolute indigence, of tragic suffering or of world-stirring actions. I turn without shrinking, from cloud-borne angels, from prophets, sibyls, and heroic warriors, to an old woman bending over her flower pot, or eating her solitary dinner, while the noonday light, softened perhaps by a screen of leaves, falls on her mob-cap, and just touches the rim of her spinning wheel, and her stone jug, and all those cheap common things which are the precious necessities of life to her;—or I turn to that village wedding, kept between four brown walls, where an awkward bridegroom opens the dance with a high shouldered, broad-faced bride, while elderly and middle-aged friends look on, with very irregular noses and lips and probably with quart pots in their hands, but with an expression of unmistakeable contentment and good will. 'Foh' says my idealistic friend, what vulgar details. What good is there in taking all these pains to give an exact likeness of old women and clowns? What a low phase of life!—what clumsiness, ugly people!

'But, bless us, things may be loveable that are not altogether handsome, I hope? I am not at all sure that the majority of the human race have not

been ugly, and even among those 'lords of their kind,' the British, squat figures, ill-shapen nostrils, and dingy complexions are not startling exceptions. Yet there is a great deal of family love amongst us. I have a friend or two whose class of features is such that the Apollo curl on the summit of their brows would be decidedly trying; yet to my certain knowledge tender hearts have beaten for them, and their miniatures—flattering, but still not lovely—are kissed in secret by motherly lips. I have seen many an excellent matron, who could never in her best days have been handsome, and yet she had a packet of yellow love letters in a private drawer, and sweet children showered kisses on her sallow cheeks. And I believe there have been plenty of young heroes, of middle stature and feeble beards, who have felt quite sure they could never love anything more insignificant than a Diana, and yet have found themselves in middle life happily settled with a wife who waddles. Yes! thank God, human feeling is like the mighty rivers that bless the earth: it does not wait for beauty—it flows with resistless force and brings beauty with it.'

'All honour and reverence to the divine beauty of form! Let us cultivate it to the utmost in men, women, and children—in our gardens and in our houses. But let us love that other beauty too which lies in no secret of proportion, but in the secret of deep human sympathy. Paint us an angel if you can, with a floating violet robe, and a face paled by the celestial light; paint us yet oftener a Madonna, turning her mild face upward and opening her arms to welcome the divine glory; but do not impose on us any æsthetic rules, which shall banish from the region of Art those old women scraping carrots with their workworn hands, those heavy clowns taking holiday in a dingy pot-house, those rounded backs and stupid weather beaten faces that have bent over the spade, and done the rough work of the world—those homes with their tin pans, their brown pitchers, their rough curs, and their clusters of onions. In this world there are so many of these common coarse people, who have no picturesque sentimental wretchedness! It is so useful we should remember their existence, else we may happen to leave them quite out of our religion and philosophy, and frame lofty theories which only fit a world of extremes. Therefore, let Art always remind us of them; therefore let us always have men ready to give the loving pains of a life to the faithful representing of common place things—men who see beauty in these common place things, and delight in showing how kindly the light of heaven falls on them. There are few prophets in the world; few sublimely beautiful women; few heroes. I can't afford to give all my love and reverence to such rarities. I want a great deal of those feelings for my every day fellow men, especially for the few in the foreground of the great multitude, whose faces I know, whose hands I touch, for whom I have to make way with kindly courtesy. Neither are picturesque lazzaroni or romantic criminals half so frequent as your common labourer, who gets his own bread, and eats it vulgarly but creditably with his own pocket-knife. It is more needful that I should have a fibre of sympathy connecting me with that vulgar citizen who weighs out my sugar in a vilely assorted cravat and waistcoat, than with the handsomest rascal in red scarf and green feathers; more needful that my heart should swell with loving admiration at some trait of gentle goodness in the faulty people who sit at the same hearth with me, or in the clergyman of my own parish, who is perhaps rather too corpulent and in other respects is not an Oberlin or a Tillotson, than at the deeds of heroes whom I shall never know except by hearsay, or at the sublimest abstract of all clerical graces that was ever conceived by an able novelist. Adam Bede, by George Eliot—vol. II.

We consider the above—and we believe few readers will disagree with us—among the best expositions of Mr. Thackeray's principles of art, conveyed in his own forcible and peculiar language.

It was a fundamental rule with nearly all novelists from Richardson to Scott and Dickens, to let the actors in their pieces speak for themselves. When the show was going on, it was not for the authors to thrust in their heads among the puppets, and point out the beauties of one or the failings of another. Such a proceeding, it was believed, would but hurt the reader's faith, and thus destroy the effect of the representation. Mr. Thackeray's doctrine is precisely the reverse. He perpetually stops in his narrative to comment, and his commentaries are decidedly the best part of his novels. So large are these digressions, that a clever critic describes his novels, as only elaborate discourses on human nature, illustrated by examples. There is, with one signal exception, little plot in his narratives. The ordinary expedients by which most other writers of fiction stimulate the flagging attention of readers find no favor with him. There are no surprises. A blasé reader of novels himself, he knows it is useless to hem Alexis in an intricate web, from which he must be extricated again, that he may reach the goal of connubial felicity; or to bind Rosamunda ruthlessly to the stake, from which Rinaldo must inevitably rescue her. To a new reader, like the boy he himself so graphically describes in the Cornhill Magazine, such exploded tricks of the novelist may have charms, but even he must soon tire of them. Mr. Thackeray knows full well that after a time 'the boy will cease to feel surprise when the stranger turns out to be the rightful earl, or when the old waterman, throwing off his beggarly gabardine, shows his stars and the collars of his various orders, and clasping Antonia to his bosom proves himself to be the prince, her long lost father.' No man understands better than he, that men, and especially men of reading and intelligence, must have other sort of mental nourishment. The result is that like a week-day preacher, he breaks off the thread of his narrative as often as he finds occasion to philosophize. The strong sense, the keen powers of observation, the generous nature, and the reverence for things not of the earth, which characterize these wonderful episodes, have earned for Mr. Thackeray the gratitude not only of the present but of all future generations. Sometimes he addresses his audiences as from a pulpit; at others he seems to soliloquise; now he suggests food for thought; anon he tears aside the flimsy devices with which men hide their own meanness from themselves; here he propounds that cant and sectarian bigotry are not religion; and there that a want of religion is

not philosophy. Lifting up his squeaking puppet with a smile he proceeds to show his reader the intricate mechanism of its heart. How fair that heart appears at first sight to the attentive throng! but the delicate knife removes the thin layer that covers it to delude, and lays open its black spots and angularities, till every person present feels intuitively forced to subject his own heart to the same sort of examination.

In arranging Mr. Thackeray's larger works according to the order of merit we are disposed to give the highest praise to that which is the least popular. Our classification would stand thus, *Esmond*, then *Pendennis* and the *Newcomes*,—recording as in an autobiography, the one the author's literary, the other his artistic experiences,—then *Vanity Fair*—and last his *Virginians*.

We have given the highest place to *Esmond* after repeated and deliberate perusal, and whatever the public may say, we shall be surprised if Mr. Thackeray himself does not concur in our decision. *Esmond* seems to us the work which he has most maturely considered and most carefully written. There are no traces of haste in it, on the contrary there are evidences every where, even in the foot-notes, of the most attentive study. While all his other works have been published in detached chapters monthly, *Esmond* sprung forth entire. There are some disadvantages inherent to the system of these monthly publications, from which *Esmond* is consequently exempt. Thus for instance, it is necessary in the monthly publications to spice each separate part, or to make every four chapters readable almost by themselves; it may be necessary with a view to attain this object to spin out some portions of the story and to curtail others; and worse than all it may be necessary for the sake of temporary effect to yield to the temptation of deviating from the original outline of the work. But it is not only because *Esmond* was published entire that it is superior to Mr. Thackeray's other works. It is superior because he appears to have put forth his whole strength in it. In other works that strength is put forth occasionally, but here it is put forth continuously. There are passages in his other works excelling any passage in *Esmond*. The death of Colonel Newcome, for instance, is better not only than anything in *Esmond*, but perhaps than anything in the whole range of modern fiction. What then? Works are not to be judged by isolated passages. As a whole, *Esmond* is the most finished specimen of art. The background, the foreground, the groups, are all in keeping with each other in the picture, and some of the faces are such as Shakespeare himself might have been proud to have drawn.

What a portrait for instance is that of Rachel Esmond. How loving she looks out of the canvas. For our part, that lady never appears, but we feel our hearts beat like the schoolboy's in the Roundabout papers. Let the reader call to mind the very first chapter in the book in which she is introduced—her golden hair shining in the gold of the sun; her complexion of a dazzling bloom; her lips smiling; the kindness with which she takes the friendless boy's hand; the blush with which she drops it, when Mrs. Worksop looks significantly towards the late lord's picture; the look of 'infinite pity and tenderness' with which she takes that hand again, 'placing her other fair hand on his head' when she finds him on her return standing exactly on the same spot, and with his hand as it had fallen, when he dropped it on his black coat. 'Le pauvre enfant, il n'a que nous.' Let him call to mind the many vivid scenes in which she discovers that with her beauty, her reign had ended and the days of her love were over; how the first shock came on her; how then 'as a merchant on change, *indocilis pauperiem pati*, having lost his thousands, embarks a few guineas upon the next ship, she laid out her all upon her children, indulging them beyond all measure, 'as was inevitable with one of her kindness of disposition; giving all her thoughts to their welfare, learning, so that she might teach them, and improving her own many natural gifts and feminine accomplishments that she might impart them to her young ones.' Let him call to mind the awful prison scene at the commencement of the second volume after the death of the Viscount Esmond;—the ghastly white face, the eyes, ordinarily so sweet and tender, fixed on Harry Esmond with such a tragic glance of woe and anger, as caused the youth, unaccustomed to unkindness from her, to avert his own glances from her face, the wild language, 'Where is my husband? Give me back my husband, Henry. Why did you stand by and see him murdered?' Let him recal to mind the day in which Harry Esmond returns from exile and is reconciled to the family. Above all, let him call to mind that deeply pathetic scene in which Harry Esmond filled with remorse for the wearisome pain he had been inflicting on her by the endless recital of his passion for Beatrix, runs upstairs and finds her where he had left her, in the embrasure of the window, looking over the fields with tears in her eyes, and in her hands the stalk of one of the flowers, a pink that she had torn to pieces, and then let him, if he dare, join in the Edinburgh Reviewer's condemnation of the portrait, as that of a wife of 'strong feelings,' irritable, suspicious 'temper,' 'quick sensibility' and 'undiscriminating, unrelenting

'jealousy.' We are not ashamed to confess that we admire the picture so much that we consider any touch either to shade the peculiar faults, or to exaggerate the beauties would be a mistake. It is worthy as it stands to take a place in the loveliest female gallery, even side by side

With the gentle lady married to the Moor,
And heavenly Una with her milk-white lamb.

The critic, who condemns Rachel Esmond as a character not to be held up to admiration, must be ignorant of the first principles of criticism. 'Strong feelings' and why not strong feelings? Can any woman who has not *strong feelings* in some matters be worthy of love? 'Irritable, suspicious temper'—never;—'Jealousy'?—on this point let us hear Mr. Thackeray. The lady has passed her great trial. Viscount Esmond has commenced haunting taverns, and makes no secret of a fair Rosamond.

'She had oldened in that time, as people do who suffer silently great mental pain, and learned much that she had never suspected before. She was taught by that bitter teacher Misfortune. A child, the mother of other children, but two years back her lord was a god to her; his word, her law; his smile her sunshine; his lazy commonplaces listened to eagerly, as if they were words of wisdom; all his wishes and freaks obeyed with a servile devotion. She had been my lord's chief slave and blind worshipper. Some women bear farther than this, and submit not only to neglect but to unfaithfulness too; but here this lady's allegiance had failed her. Her spirit rebelled and disowned any more obedience.' Page 202, vol 1.

When we condemn strong feelings in certain matters we ought to remember that Perfection is "wrathful" on account of its bitter hatred to sin. There is a point where it is weakness, or worse, not to have strong feelings. The critic who now blames Mr. Thackeray for drawing a heroine who is not perfectly meek and submissive, would have been the first to charge him with drawing a heroine perfectly insipid, if he had made the attempt. Witness the same critic's remarks on Amelia Sedley. 'She is'—according to him—'amiable by instinct,' 'It is her nature to love 'all those with whom she comes in contact just as it is the nature 'of a spaniel to caress every visitor. But her love being founded on propinquity, not on judgement is, like that of the spaniel, 'indiscriminating.'

After all nature is the true model, and to copy her faithfully is the highest art. In nature it is vain to look for a perfect specimen of humanity. Since the creation there has been but one perfect Man. To give Rachel Esmond an occasional failing, if failing it be, and that on the right side, is therefore only to comply with the demands of the highest art. It is to make the picture all the more life-like.

With such opinions as the critic in the *Edinburgh Review* seems to entertain, we should not be surprised to learn that he had positively fainted away when he came to the following passage regarding the appearance of Lady Esmond after her recovery from small pox.

'It was as if a coarse hand had rubbed off the delicate tints of that sweet picture and brought it, as one has seen unskilful painting cleaners do, to the dead colour. Also, it must be owned, that for a year or two after the malady her ladyship's nose was swollen and redder.'

To us the passage does not seem to be even one of those unnecessarily rough strokes, with which Wordsworth used to aggravate his critics. It is only a bit of playfulness. Harry Esmond it must be remembered is supposed to be the author of the Book, and he writes it under the eyes of his wife Lady Esmond in that remote transatlantic region to which they emigrated in the decline of life.

Another charge, much more serious, made against Lady Esmond, is by Charlotte Brontë the authoress of *Jane Eyre*. Miss Brontë was not one of those who love ordinarily to decry Mr. Thackeray as a cynic and a pourtrayer of the dark side of humanity. In the preface to *Jane Eyre* she compares him to the truth loving prophet whom Zedekiah the son of Chenaanah struck on the cheek for not speaking what would please the king. Any remark in disparagement of Mr. Thackeray from Miss Brontë is therefore entitled to weight, and in this case it is entitled to the more weight because the observation does not appear in an essay dressed for the public, but in a casual letter which is published in her life by Mrs. Gaskell. She observes 'as usual he is 'unjust to women; quite unjust. There is hardly any punishment 'he does not deserve for making Lady Castlewood peep through a 'keyhole and listen at a door.'

The passage in *Esmond*, to which reference is made, stands as follows:—

'And so it is, and for his rule over his family, and for his conduct to wife and children, subjects over whom his power is monarchical, any one who watches the world must think with trembling sometimes of the account which many a man will have to render. For in our society there's no law to control the King of the Fireside. He is master of property, happiness, life almost. He is free to punish, to make happy or unhappy, to ruin or to torture. He may kill a wife gradually, and be no more questioned than the Grand Seigneur, who drowns a slave at midnight. He may make slaves and hypocrites of his children; or friends and freemen; or drive them into revolt and enmity against the natural law of love. I have heard politicians and coffeehouse wiseacres talking over the newspaper, and railing at the tyranny of the French King, and the Emperor, and wondered how these (who are monarchs, too, in their way,) govern their own dominions at home,

where each man rules absolute? When the annals of each little reign are shown to the Supreme Master, under whom we hold sovereignty, histories will be laid bare of household tyrants as cruel as Amurath, as savage as Nero and as reckless and dissolute as Charles.'

'If Harry Esmond's patron erred, 'twas in the latter way, from a disposition rather self-indulgent than cruel: and he might have been brought back to much better feelings, had time been given to him to bring his repentance to a lasting reform.'

'As my lord and his friend Lord Mohun were such close companions, Mistress Beatrix chose to be jealous of the latter; and the two gentlemen often entertained each other by laughing, in their rude boisterous way, at the child's freaks of anger and show of dislike. "When thou art old enough, thou shalt marry Lord Mohun," Beatrix's father would say: on which the girl would pout and say, "I would rather marry Tom Tusher." And because the Lord Mohun always showed an extreme gallantry to my Lady Castlewood whom he professed to admire devotedly, one day, in answer to this old joke of her father's, Beatrix said, "I think my lord would rather marry mamma than marry me; and is waiting till you die to ask her."

'The words were said lightly and pertly by the girl one night before supper, as the family party were assembled near the great fire. The two lords, who were at cards, both gave a start; my lady turned as red as scarlet, and bade Mistress Beatrix go to her own chamber: whereupon the girl, putting on, as her wont was, the most innocent air, said, "I am sure I meant no wrong; I am sure mamma talks a great deal more to Harry Esmond than she does to papa, and she cried when Harry went away, and she never does when papa goes away; and last night she talked to Lord Mohun for ever so long, and sent us out of the room, and cried when we came back and * * *."

"D—n.!" cried out my Lord Castlewood, out of all patience. "Go out of the room, you little viper;" and he started up and flung down his cards. "Ask Lord Mohun what I said to him, Francis," her ladyship said, rising up with a scared face, but yet with a great and touching dignity and candour in her look and voice. "Come away with me Beatrix." Beatrix sprang up too: she was in tears now.'

"Dearest mamma, what have I done?" She asked. "Sure I meant no harm." And she clung to her mother, and the pair went out sobbing together.'

"I will tell you what your wife said to me, Frank,"—my Lord Mohun cried—"Parson Harry may hear it; and as I hope for heaven, every word I say is true. Last night, with tears in her eyes, your wife implored me to play no more with you at dice or at cards, and you know best whether what she asked was not for your good."

"Of course it was, Mohun,"—says my Lord in a dry hard voice. "Of course you are a model of a man: and the world knows what a saint you are." My Lord Mohun was separated from his wife, and had had many affairs of honour: of which women as usual had been the cause.

"I am no Saint, though your wife is—and I can answer for my actions as other people must for their words,"—said my Lord Mohun.

"By G—, my lord, you shall," cried the other starting up.

"We have another little account to settle first, my lord" says Lord Mohun. Whereupon Harry Esmond filled with alarm for the consequences to which this disastrous dispute might lead, broke out into the most vehement expostulations with his patron and his adversary. "Gracious Heavens!" he said, "my lord, are you going to draw a sword upon your friend in your own house? Can you doubt the honour of a lady who is as pure as Heaven, and would die a

thousand times rather than do you a wrong? Are the idle words of a jealous child to set friends at variance? Has not my mistress, as much as she dared do, besought your lordship, as the truth must be told, to break your intimacy with my Lord Mohun; and to give up the habit which may bring ruin on your family? But for my Lord Mohun's illness had he not left you?"

"Faith, Frank, a man with a gouty toe can't run after other men's wives," broke out my Lord Mohun, who indeed was in that way, and with a laugh and look at his swathed limb so frank and comical, that the other dashing his fist across his forehead was caught by that infectious good humour, and said with his oath, "Harry, I believe thee," and so this quarrel was over, and the two gentlemen, at swords drawn but just now, dropped their points, and shook hands.

'*Beati pacifici*. "Go bring my lady back," said Harry's patron. Esmond went away only too glad to be the bearer of such good news. He found her at the door; she had been listening there, but went back as he came. She took both his hands, hers were marble cold. She seemed as if she would fall on his shoulder. "Thank you, and God bless you, my dear brother Harry," she said. She kissed his hand, Esmond felt her tears upon it: and leading her into the room, and up to my lord, the Lord Castlewood with an outbreak of feeling and affection such as he had not exhibited for many a long day, took his wife to his heart, and bent over and kissed her and asked her pardon.'—Vol. I p. 288—293.

Nothing could be easier for Mr. Thackeray than to pass his pen through the words—'she had been listening there but went back as he came,'—but we ask whether human nature is not more faithfully described in the passage in its present state. How powerful, considering all things, the temptation here to listen. It was scarcely a voluntary act; she could scarcely have known what she was doing. Wilkie Collins is as great a name as Charlotte Brontë in the region of fiction. Listen to the following from the *Woman in White*.

'I had turned to go back to my own room for a minute or two; but the sound of Laura's name, on the lips of a stranger, stopped me instantly. I dare say it was very wrong and very discreditable to listen, but where is the woman in the whole range of our sex, who can regulate her actions by the abstract principles of honour, when those principles point one way, and when her affections, and the interest which grow out of them point the other?'

I listened; and, under similar circumstances I would listen again—yes! with my ear at the keyhole, if I could not possibly manage it in any other way.

The *Woman in White*, vol. 2, p. 51 and 52.

As a historical novelist Mr. Thackeray does not rank high. His portraits of departed great men can never bear a comparison with Sir Walter Scott's. Washington and Wolfe in his *Virginians* are average specimens of his skill. They are fair, for a man of Mr. Thackeray's genius cannot positively fail in anything he undertakes, but are they half as good as Sir Walter Scott's James in the *Fortunes of Nigel*, or his Louis in *Quentin Durward*? Mr. Thackeray's Johnson in his *Virginians* is a sprawling caricature, no more like the Johnson of Boswell, than

like Hercules. In Esmond he has done far better than ordinarily. Two portraits one of the Pretender, and another of Dick Steele are done to the life. Sir Walter might have been proud to own both. In fact he tried his hand on one of them—the Pretender, in his Redgauntlet, but in our opinion, with less success than Thackeray. The Pretender in Esmond with his French manners, his frivolous pursuits, and his occasional display of right royal qualities, is more like the real Pretender than Sir Walter Scott's melancholy and dignified figure. Dick Steele as the soldier in Captain Westbury's troop explaining to little page Esmond that he was no common soldier, that he was of one of the most ancient families in the Empire, and that he had received his education at a famous school and a famous university ;—Dick Steele discussing religion 'Tis not the dying for a faith that's so hard Master Harry '—every man of every nation has done that—tis the living up to 'it that is difficult, as I know to my cost ;—Dick Steele sympathising with the little fellow on his father's death, and giving him an account of his own first sensation of grief in the very words of that immortal paper in the Spectator—'I remember I went 'into the room where his body lay, and my mother sate 'weeping beside it. I had my battledore in my hand and 'fell a beating the coffin, and calling papa, on which my 'mother caught me in her arms, and told me in a flood 'of tears, papa could not hear me, and would play with 'me no more,—for they were going to put him underground 'whence he could never come to us again';—Dick Steele stopping the ribald stories of the other troopers before the child with the maxim *maxima debetur pueris reverentia* ; and afterwards confiding to him his love for a vintner's daughter, near to the Toll Bridge, Westminster, whom Dick addressed as Saccharissa in many verses of his composition, and without whom he said it would be impossible that he could continue to live ;—Dick Steele, in his cups, coaxing and speaking in that maudlin manner, which punch and claret produce, to his beloved Prue and beseeching her to remember that there was a 'distiwisht officer ithe rex roob who would overhear her';—Dick Steele in Joseph Addison's humble room reading the manuscript of the Battle of Blenheim and clapping his hands in undisguised admiration, —Dick Steele in all times and places throughout the book, is Dick Steele himself. It is one of the most vivid and accurate portraits in the whole range of our literature. Nor are the rough pencil outlines of Addison and Swift unworthy to take their places by its side. Addison receiving his friends in a lodging, up two pair of stairs, with a sixpenny dinner from the adjoining cookshop, and talking of fortune with a

calm smile 'I puff the prostitute away, there is no hardship in 'poverty Esmond that is not bearable, no hardship even in honest 'dependence that an honest man may not put up with. I came 'out of the lap of Alma Mater puffed up with her praises of me, 'and thinking to make a figure in the world with the parts and 'learning which had got me no small name in our college. The 'world is the ocean, and Isis and Charwell are but little drops of 'which the sea takes no account. My reputation ended a mile 'beyond Maudlin tower; no one took note of me, and I learned this 'at least, to bear up against evil fortune with a cheerful heart.' Swift in the printer's shop bullying the supposed printer's man, and frightening the poor little imp in his lap with his rudeness; or amongst the great giving himself the airs of an assumed independence;—both Addison and Swift are in harmony with the reader's preconceived notions, and worthy of Mr. Thackeray.

Pendennis and the Newcomes come next to Esmond in our classification, but of the two though we like the Newcomes best, let us give Pendennis precedence here, as first in the order of publication.

It is the business of critics to spy out faults, and Pendennis has not escaped censure at the hands of its reviewers. It has been urged that the character of Arthur Pendennis has not been drawn well; that it is doubtful 'whether he is worthy of 'our love and respect, or of our dislike and contempt.' Mr. Thackeray could not, it has been stated, 'have formed a very 'definite notion on the subject himself,' and would probably be as much puzzled as any reader to reconcile his apparent contradictions, and explain how a man can be an 'honest, affectionate fellow,' and a 'supercilious dandy'; selfish and generous; spoilt by prosperity and improved by it; with natural parts, but purposeless and idle; young, but blasé; not without principle, but not proof also against temptation.

The reply to these arguments is simple. Such is life, such are men,—so uncertain so inconsistent. According to his own account Mr. Thackeray has attempted to paint not a perfect hero, but a brother and a man. He has achieved this—Pendennis is a brother,—we feel with and for him, and in spite of his weaknesses we love him as much as Warrington loves him;—he is also a man—sorely tempted, he runs away, but he does not yield. There is nothing in him that we dislike. As to his being a dandy, we entirely concur with Mr. Brown;—'There is nothing disagreeable to us in the notion of a dandy, any more than there is in the 'idea of a peacock or a camel-leopard, or a prodigious gaudy tulip, 'or an astonishingly bright brocade. There are all sorts of animals, plants, and stuffs in nature, from peacocks to tomtits, and

'from cloth of gold to corduroy, whereof the variety is assuredly 'intended by nature, and certainly adds to the zest of life.' On the other hand we see much in him to esteem. Artist of his own portrait, Pendennis could not, it must also be remembered, have laid on brighter colors without exposing himself to a charge of egotism.

It has also been urged that Blanche Amory is a repetition of Becky Sharp; to this we demur. The ladies are quite distinct, as distinct as Rosalind and Desdemona, or any two of Shakespeare's heroines. Neither can be loved, it is true; but if for such a reason they are to be considered identical then;—but why argue on a point so plain? Here is Blanche Amory's portrait.

'Blanche was fair, and like a sylph. She had fair hair, with green reflexions in it. But she had dark eyebrows. She had long black eye-lashes, which veiled beautiful brown eyes. She had such a slim waist, that it was a wonder to behold; and such slim little feet, that you would have thought the grass would hardly bend under them. Her lips were of the colour of faint rose-buds, and her voice warbled limpidly over a set of the sweetest little pearly teeth ever seen. She showed them very often, for they were very pretty. She was very good natured, and a smile not only showed her teeth wonderfully, but likewise exhibited two lovely little pink dimples, that nestled in either cheek.

'She showed Laura her drawings, which the other thought charming. She played her some of her waltzes with a rapid and brilliant finger, and Laura was still more charmed. And she then read her some poems, in French and English likewise of her own composition, and which she kept locked in her own book—her own dear little book—it was bound in blue velvet, with a gilt lock, and on it was printed in gold the title of "*Mes Larmes*." * * * *

It appeared from these poems that this young creature had indeed suffered prodigiously. She was familiar with the idea of suicide. Death she repeatedly longed for. A faded rose inspired her with such grief that you would have thought she must die in pain of it. It was a wonder how a young creature, who had had a snug home, or been at a comfortable boarding school, and had no outward grief or hardship to complain of, should have suffered so much—should have found the means of getting at such an ocean of despair and passion (as a runaway boy who *will* get to sea), and having embarked on it, should survive it. What a talent she must have had for weeping to be able to pour out so many of *Mes Larmes*.

They were not particularly briny, Miss Blanche's tears, that is the truth; but Pen, who read her verses, thought them very well for a lady—and wrote some verses himself for her. His were very violent and passionate, very hot, sweet, and strong: and he not only wrote verses—but—oh the villain! oh the deceiver! he altered and adapted former poems in his possession, and which had been composed for a certain Miss Emily Fotheringay, for the use and to the Christian name of Miss Blanche Amory.'

Warrington's story has been condemned in some quarters. It is related to an anxious circle a few minutes before the death of Helen Pendennis. We confess it disappoints, probably because every reader's expectation had previously been raised very

high about it. The plot has never been Mr. Thackeray's vantage ground, still Warrington's story cannot be said to be worse than the ordinary run of digressive stories even in our best novelists, Scott and Dickens.

Another charge brought against Mr. Thackeray is, that in *Pendennis* he has given us a ridiculous caricature of literary men and literary society in order to ingratiate himself with titled votaries of fashion. Such an accusation of flunkeyism or snob-bishness could only have emanated from a snob, and can be believed only by snobs. It would be idle to waste time in refuting an assertion so absurd, but as some critics who, while they feel as indignant as ourselves at the motive imputed, cannot wholly exculpate him from the crime which they attribute to a diseased habit of endeavouring to say something new and startling, and as Mr. Thackeray himself has thought it worth his while to repel the charge in a newspaper article, it may not be wholly useless or uninteresting to enquire how far it is just.

In the first place, we think, that the charge if made at all should have been made before, as nothing, which Mr. Thackeray says in *Pendennis* against literary men as a class, can be more bitter than what he said in his previous publications in the *Snob Papers*, and the *Jeames' Diary*, and the articles in '*Fraser*' such as the *Ravenswing*. Do any of those people who pretend to be startled and scandalised by the portraits of Captain Shandon, and Bungay, and Bacon, and Wagg, pretend not to have made the previous acquaintance of people of similar character, all introduced to them by Mr. Thackeray? Can any person pretend not to have heard of the Editor in *Jeames' Diary* who one day attacked the Honorable Mr. Deuceace on account of his doing Mr. Dawkins out of £ 5,000 at play, and the next day threatened in a notice to correspondents to expose all Mr. Deuceace's career of roguery, and the day after humbly apologized for 'a paragraph which was inadvertently admitted, most unjustly assailing the character of a gentleman of high birth and talents, the son of the exemplary Earl of C-r-b-s'? Who does not know the Editors round the most respectable table of Sir George Thrum, the man whom the wisest and best of kings, his late majesty George III 'delighted to honor,' Mr. Bludyer of the *Tomahawk*, Mr. Squinney of the *Flowers of Fashion*, Mr. Desmond Mulligan 'our well informed correspondent' of that famous *Munster paper*, the *Green Flag of Skibberreen*. That little conversation between Mr. Woolsey the tailor, and Bludyer—'Then Sir—I'll—I'll thank you to pay my little bill,' and the noble leader which subsequently appeared in the *Tomahawk*, are they to be forgotten?

And then, that comfortable assurance in capitals in the Book of Snobs—‘the fact is that in the Literary Profession **THERE ARE NO SNOBS.** Look round at the whole body of British men of letters, and I defy you to point out among them a single instance of vulgarity or envy, or assumption.’ If such camels were swallowed before, and glibly swallowed by Mr. Thackeray’s antagonists, why should they strain at the gnats in Pendennis?

A depicter of life and manners is not bound to represent favorable specimens of a class only, said Mr. Thackeray, when put on his defence. He might have said more; not bound certainly; and one that would deem himself so bound, would be unworthy of his calling. A depicter of life and manners is bound to depict with truth, and to depict with truth it is necessary to give all sorts of specimens, good, bad, and indifferent. The most rancorous of his antagonists will probably turn round at this remark, and while admitting that he has given us plenty of bad and indifferent examples, will deny he has given us any good—‘they are all bad,’ and here we have no hesitation in joining issue with them. Can any character be nobler than that of bluff George Warrington. ‘Finucane has no longer charge of the paper—Warrington has come back; I should know the crack of that fellow’s whip amongst a thousand’—said Captain Shandon tossing the *Pall Mall Gazette* to his wife in their lodgings at Bologne-sur-mer;—‘he lays his cuts neat, straight down the back, and drawing blood every line’. At which dreadful image Mrs. Shandon, who had always known Mr. Warrington as most affectionate and kind to her children exclaims ‘Law!’ What manliness, what self-denial, what benevolence, what love, lie at the core of that apparently rough heart!

It is not improbable, too, that those who bring forward the accusation forget that the tone of the Press in England has improved very considerably within our recollection. Thirty years ago, the English press was nearly as scurrilous as the worst portion of the press of America of the present day. In Pendennis Mr. Thackeray is speaking of thirty years ago, when annuals were in fashion. Pen, you may remember, wrote for one of them. The most respectable periodicals of that day, Blackwood and the Quarterly systematically indulged in savage personalities such as a fourth rate periodical would now scorn to utter on the utmost provocation. It was not without justice, or without absolute need, that Mr. Thackeray’s lash was applied, and it has been ‘laid neat, straight down the back, and drawing blood every line.’

Let us have truth above all things. If a literary man, the

Editor of the *Pall Mall Gazette* and the crack writer for *Bungay's Magazine* as well, have depraved habits and companions, shall we gloss the thing over, and say the habits are good, and the companions virtuous? If he run into debt, tipple in low taverns, swear, or cheat, must we applaud? No, Let Captain Shandon's weaknesses be exposed were he ten times as brilliant and clever, that others may take warning from him. Much of the misery of literary men has been occasioned by a mistaken belief, that laws which apply to ordinary mortals, and cannot with impunity be infringed by such, are inapplicable to themselves. It is therefore absolutely necessary to impress upon the class that they are as liable as any of us to become contemptible if they are reckless, wild, or dissolute. It is not honorable for any person, be he Captain Shandon, or Doctor Maginn, or Lord Byron, to drink overmuch, or to get into debt, or to keep a harem. What is Mr. Thackeray's offence except the emphatic enunciation and illustration of this truth?

It is a relief to turn aside from such absurd complaints against our author, and contemplate the life and society which he presents to us. We have read of fashionable life in Bulwer, and Disraeli, and Warren, but it is a fashionable life, comparatively speaking, of the imagination. Pelham, the Young Duke, or Ten Thousand a Year, contain no pictures of the higher classes which can stand beside those presented to us in *Vanity Fair*, *Pendennis*, and the *Newcomes*. We feel that Mr. Thackeray's pictures are authentic and copied from life—photographs, while the others look like Berlin wool affairs.

Look at *Pendennis* and its multitude of characters. Warrington with his bristling blue beard whom Major Pendennis found on his first visit drinking beer like a coal heaver, and 'yet you couldn't 'but see he was a gentleman;' the brave Major himself for whom with all his worldliness and meanness we feel his nephew's partiality, and the success of whose manœuvres with General Costigan, and his own valet Morgan, fills us with delight and admiration; Jack Costigan—inimitable Jack Costigan—the descendant of a long line of Hibernian kings and 'sich a boy for the whiskey 'and water;'—the all accomplished Chevalier Strong, 'who was 'always in spirits, never in the way or out of it, and was ready 'to execute any commission for his patron whether it was to sing 'a song, or meet a lawyer, to fight a duel, or to carve a capon;' Honest Harry Foker with his candid acknowledgment—'I was a 'stupid chap, I was—but you see sir I know 'em when they are 'clever, and like 'em of that sort'—his shrewdness, and good humour; Morgan of the true Jeames' tribe which Mr. Thackeray

always feels such a malicious pleasure in portraying, turning viperlike on 'Major Pendennis 'alf pay,' and so gallantly put down; Mirambolant the *chef* and his confidante Madame Fribsbi the milliner, to whom he communicated how he declared himself by his dishes, his *potage a la reine—a la reine Blanche*, his *flet de merlan a l'Agnes*,—and his ices, to the charming blonde 'Mees'; Little Bows, loving, disappointed and bitter to the last; Dr. Portman so wise and benevolent; Smirke of the open worked silk stockings and glossy pumps and white cravat and spotless linen, afterwards so largely developed as Charles Honeyman in a subsequent novel; Captain Shandon, 'the wittiest, the most 'amiable, and the most incorrigible of Irishmen,' whom no person could come across without liking; 'whose sweetness of temper 'nothing could disturb; not debts; not duns; not misery; not 'the bottle; not his wife's unhappy position; or his children's 'ruined chances,'—the crack writer for Bungay, and the friend of Jack and Tom of the Fleet Prison tavern; Sam Huxter fit knight for Fanny, with his fists in his pockets, clenching themselves involuntarily, and 'arming themselves as it were in ambush' at sight of Pen, and with his penitential 'will never do so any more Sir' to his father, when the latter comes to hear of Sam's marriage; Fanny herself crying at the loss of the ticket in Vauxhall gardens, and sitting up the whole night to read Walter Lorraine,—poor, pretty little Fanny; Blanche Amory so distinct from Becky Sharp in Vanity Fair and from Beatrix in Esmond, and yet so heartless with her sham enthusiasm and sham love and sham hatred and sham taste, and (to point the moral) with ever so little a *tache* on her white name, in that affair of Mirambolant and the creeper at the window; the Begum her mother, the most good natured, jovial, and generous of women who called Hackney, 'Ackney,' to be sure, but who also brought three times more champagne and fowls and ham to the picnics than any one else; frank, generous beautiful Laura with England's rose and lily on her cheek; saintly Helen Pendennis; the patient and gentle Mrs Shandon, whom one cannot but love and pity; the Fotheringay so magnificent on the Boards, where she had not the least Irish accent, talking of Ophalia at home, as the part in which she had appeared, and of the *poy* which she had made for her father;—is there any one of the vast throng whose acquaintance we are not glad to make, or whom we can ever forget?

The Newcomes we have already said is a work which in point of merit must have precedence of Pendennis; we sometimes doubt if it should not be placed above Esmond as well, and be considered

as Mr. Thackeray's best. Like *Pendennis* it reads like a vivid personal history. It embodies Mr. Thackeray's experience as a painter, as *Pendennis* embodies his experiences as an author. What are its faults? Captious critics have not discovered many, and we can afford to be brief on this point. The death of Rosey, Clive's first wife, is, we must confess, not very artistic. It was necessary, no doubt, for how could Clive marry Ethel if Rosey were to live on? and it gives occasion for Mr. Thackeray's very best monologues, but is not the event somewhat too sudden and abrupt? Death, it is true, has no regard for old or young, and time or place, but novel readers are fastidious, and cannot tolerate the idea of death coming on in this manner. Is not Barnes too much like the villain of a novel? Has not Mr. Thackeray, in this instance, abandoned his own high theory of mixing good and evil in all his characters from the best to the worst? A depraved wretch, the most abject of cowards, the most unscrupulous of slanderers, the most cruel of domestic tyrants,—what trait of goodness is in him? Did Mr. Thackeray in drawing Barnes have an eye on the villains of his great rival Dickens, who are all unmitigated villians? or think of his children's question—'why did he not write a novel like *Nicholas Nickleby*'? Rummun Loll's character embodies the popular prejudice against the natives of this country. Is it not too much of a caricature?

Another objection to the *Newcomes* is, that its pictorial illustrations are inferior to those in *Pendennis* and *Vanity Fair*. The illustrations in the *Newcomes* are drawn by a professional artist, 'that ingenious youth who marks his work with a diekeybird,' and who retired from the staff of *Punch* on account of the violent attacks which appeared in that periodical against the Pope a few years ago. As drawings, they may be, and are, probably superior, for Mr. Doyle has no doubt considerable advantage over Mr. Thackeray in manipulative dexterity; but as illustrations of the text, they must be regarded as decidedly inferior. Mr. Thackeray conveyed his ideas to us by use both of pen and pencil. Each helped the other. By abandoning the pencil even to so gifted a friend as Mr. Doyle, he has relinquished one of the sources of his triumph over Mr. Dickens. Look at some of the pictures in *Pendennis*. The Major after the Ball at page 71. vol. II. How capitally it realizes the description in the text. 'The rings round his eyes were of the colour of bistre; those orbs themselves were like the plovers' eggs whereof Lady Claver-ing and Blanche had each tasted; the wrinkles in his old face were furrowed in deep gashes; and a silver stubble, like an elderly morning dew, was glittering on his chin and along-side

'the dyed whiskers, now limp and out of curl.' Amory giving the 25£ note—the 'pony'—to Sir Francis Clavering, page 220 vol. II. You read the man's words in his face. 'Well, well there's the money Sir Francis Clavering. I aint a bad fellow. When I've money in my pocket, damme, I spend it like a man. Here's five and twenty for you. Don't be losing it at the hells now. Don't be making a fool of yourself. Go down to Clavering Park, and it'll keep you ever so long. You needn't 'ave butcher's meat; there's pigs I dare say on the premises.' What an air of conscious virtue and self-sacrifice there is in Amory's countenance! Mirambolant interrupted by his little assistant, page 218 vol. I. What pathos of remonstrance there is in the artist's look! It will be remembered that he always sate down and played the piano for some time before composing a *menu*. 'Every great artist,' he said, 'had need of solitude to perfectionate his works.' Fanny and Dr. Goodenough vol. II. page 180. Ah me! We have the whole story of that little maiden,—the sleepless night,—the fluttering hope,—the unutterable anguish,—in this one cut! The very initial letters at the beginning of the chapters, throughout the volumes, act as an index to what is coming, like the poetic mottoes on which Sir Walter Scott prided himself. Look at that Canute and courtiers marshalling the letter *W* at the head of chapter 5 vol. I. What ire is in Canute's eyes, what scorn on his lip; and what dismay and confusion in the countenances of his courtiers! Look at Phyllis and Corydon in that huge *O* at the head of chapter 8. Do not those downcast eyes tell us a story? Or look at the villain stabbing the shadow of that huge *M* which heads chapter 12. There is Major Pendennis stabbing Arthur's peace of mind. Poor Arthur!

Bating these deficiencies, the last of which involves a very high indirect compliment, there can be no question of the superiority of the Newcomes to Pendennis and Vanity Fair. Its characters are more numerous and varied, drawn with a bolder, freer hand, and engraved all the more indelibly in consequence on the reader's imagination. The Comtesse Florac née L. de Blois, how that very first letter of hers rivets the reader's attention! 'I hold you always in my memory. As I write, the past comes back to me. I see a noble young man who has a soft voice and brown eyes. I see the Thames and the smiling plains of Blackheath. I listen and pray at my chamber door as my father talks to you in our little cabinet of studies. I look from my window and see you depart.' What suggested this letter to Mr. Thackeray? Was it not that charming series of letters to Richardson from Mrs. Klopstock? From the Comtesse de Florac,

by an easy transition, we come to her son,—the brave, generous, frank, woman-conquering Florac. What a wonderful Briton he becomes at Rosebury! 'In conversation with his grooms and servants he swore freely,—not that he was accustomed to employ oaths in his own private talk, but he thought the employment of these expletives necessary as an English country gentleman. He never dined without a roast beef, and insisted that the piece of meat should be bleeding, 'as you love it, you others.' He got up boxing-matches; and kept birds for combats of cock. He assumed the sporting language with admirable enthusiasm, drove over to cover with a steppère—rode across country like a good one, and was splendid in the hunting-field in his velvet cap and Napoleon boots.' Honest Fred Bayham! There never was a heartier fellow in the world. 'See me—me F. Bayham,—descended from the ancient kings 'that long the Tuscan sceptre sway—ed,' dodge down a street to get out of sight of a boot shop, and my colossal frame trembles, if a chap put his hand on my shoulder as you did Pendennis the other day, in the Strand, when I thought a straw might have knocked me down. Faults F. B. has, and knows it—humbug he may have been sometimes, but I'm not such a complete humbug as Charles Honeyman.' Charles Honeyman just spoken of, with his diamond ring and scented cambric handkerchief, great in the lachrymose line, and as a preacher at Lady Whittlesea's chapel, but greater far in those eloquent ornate epistles, so profusely underlined, 'in which the *machinations of villains* are laid bare with italic fervor; the *coldness*, to use no *harsher* phrase, of friends on whom *reliance might have been placed*; the outrageous conduct of Solomons; the astonishing failure of Smith to pay a sum of money on which he had counted as on the *Bank of England*; finally the *infallible certainty* of repaying (with what heartfelt thanks need not be said) the loan of so many pounds next *Saturday week at farthest*.' Cheerful Mr. Binnie, chirruping in his cups, and demolishing Honeyman with the arguments of Hume and Gibbon, of whom he was an enthusiastic admirer. J. J. the pale, the sickly boy of genius, whose history has been promised to us, and is eagerly and anxiously expected by thousands. 'What are the world's struggles, brawls, successes, to that calm recluse pursuing his calling. See twinkling in the darkness round his chamber, numberless beautiful trophies of the graceful victories which he has won; sweet flowers of fancy reared by him; kind shapes of beauty which he has devised and moulded. The world enters into the Artist's studio, and scornfully bids him a price for his genius, or makes dull pretence to admire it. What know you of his

'art? You cannot read the alphabet of that sacred book. 'What can you tell of its glories, joys, secrets, consolations?'—The Colonel himself, Mr. Thackeray's master-piece;—the dashing, impetuous, high-souled Ethel;—Lord Kew the type of a young English nobleman;—Gandish of the 'igh art;' Little Smee the portrait painter;—Moss who 'kep away' from his sick friend lest his presence should unpleasantly remind the invalid of the two pound three which he owed; Sherrick (some say his name is Shadrach and pretend to have known him as an orange boy, afterwards as a chorus singer in the 'theatres, afterwards as secretary to a great tragedian)' the wine merchant who has tried his hand at every sort of speculation;—his wife, 'no other than the famous artist, who after three years 'of brilliant triumphs at the Scala, the Pergola, the San Carlo, 'the opera in England, forsook her profession, rejected a hundred 'suitors and married him;'—the ogling leering, scheming, artful old campaigner, and Miss Rosey in pink crape with her six songs, and her 'oh uncle' or 'oh mamma,' 'why did you tell,' and 'wicked, wicked mamma?' Jack Belsize as hairy as Esau, and unfortunate Lady Clara Pulleyn; the Most Noble the Marquis Farintosh, in his uniform of the Scotch Archers, or in his native Glenlivet tartan with his twenty thousand a year. Todhunter and Henschman, worthy old fellows; 'you will find Henschman in the park every afternoon. He will dine with you 'if no better man ask him in the interval. He will tell you story 'upon story regarding young Lord Farintosh and his marriage, and 'what happened before his marriage and afterwards; and he will 'sigh, weep almost at some moments, as he narrates their subsequent quarrel and Farintosh's unworthy conduct, and tells you 'how he formed that young man. My uncle and Captain Henschman disliked each other very much I am sorry to say—sorry to 'add that it was very amusing to hear either one of them speak of 'the other.' The match making old lady Kew.—'I am Bogey, 'Clive, and I frighten everybody away,' little Miss Cann playing on her old and weazened piano, while J. J. listens. 'She 'plays old music of Handel and Haydn and the little chamber 'anon swells into a cathedral, and he who listens beholds altars 'lighted, priests ministering, fair children swinging censers, great 'oriel windows gleaming in sunset, and seen through arched 'columns, and avenues of twilight marble.' Major General Sir Thomas de Boots, with his red face, tight girth, choking white neckcloth, voluminous waistcoat and orders; Madame D'Ivry who lays the train for the duel; her friends Blackball and Punter; Stenio the foolish little Gascon; Hobson Newcome and

his amiable and virtuous family; Martha Honeyman. What an endless crowd of people it is. Amidst such we daily live, and move, and yet take no note. The eye of genius marks the salient points of character, and we discern them when its hand jots them down. In three words, sometimes, with a magical stroke of the pen, as it were, a man or woman is described—fixed on the canvas and our imaginations, at once and for ever.

We had hoped to make long extracts from the *Newcomes*, and as we skim over its pages for the hundredth time, stronger and stronger comes the temptation. Our limits, however, will not permit us to make more than one quotation. Here it is.

‘The writer of these veracious pages was once walking through a splendid English palace, standing amidst parks and gardens, than which none more magnificent has been seen since the days of Aladdin, in company with a melancholy friend, who viewed all things darkly through his gloomy eyes. The housekeeper, pattering on before us from chamber to chamber was expatiating upon the magnificence of this picture; the beauty of that statue; the marvellous richness of these hangings and carpets; the admirable likeness of the late Marquis by Sir Thomas; of his father, the fifth earl, by Sir Joshua, and so on; when, in the very richest room of the whole castle, Hicks—such was my melancholy companion’s name—stopped the cicerone in her prattle, saying in a hollow voice. “And now madam, will you show me the closet *where the skeleton is?*” The seared functionary paused in the midst of her harangue; that article was not inserted in the catalogue which she daily utters to visitors for their half-crown. Hicks’ question brought a darkness down upon the hall where we were standing. We did not see the room: and yet I have no doubt there is such an one; and ever after, when I have thought of the splendid castle towering in the midst of shady trees, under which the dappled deer are browsing; of the terraces gleaming with statues, and bright with a hundred thousand flowers; of the bridges and shining fountains and rivers wherein the castle windows reflect their festive gleams, when the halls are filled with happy feasters, and over the darkling woods comes the sound of music;—always, I say, when I think of Castle Bluebeard—it is to think of that dark little closet, which I know is there, and which the lordly owner opens shuddering—after midnight—when he is sleepless, and *must* go unlock it, when the palace is hushed, when beauties are sleeping around him unconscious, and revellers are at rest. O Mrs. Housekeeper: all the other keys hast thou: but that key thou hast not!

Have we not all such closets, my jolly friend, as well as the noble Marquis of Carabas? At night, when all the house is asleep but you, don’t you get up and peep into yours? When you in your turn are slumbering, up gets Mrs. Brown from your side, steals downstairs like Amina to her ghoulish, clicks open the secret door, and looks into *her* dark depository. Did she tell you of that little affair with Smith long before she knew you? Psha! who knows any one save himself alone? Who in showing his house to the closest and dearest, does not keep back the key of a closet or two? I think of a lovely reader laying down the page and looking over at her unconscious husband, asleep, perhaps, after dinner. O yes, madam, a closet he hath: and you, who pry into everything, shall never have the key of it. I think of some honest Othello pausing over this very sentence in a railroad carriage, and stealthily gazing at Desdemona opposite to him, innocently administering sandwiches

to their little boy—I am trying to turn off the sentence with a joke, you see—I feel it is growing too dreadful, too serious.’ Vol 1 pages 112-3.

Pitched in the true Thackeray key is that music; is it not? The passage has been quoted often in reviews and magazines, but it is too good ever to get stale.

Vanity Fair comes next according to our table of merit. And what shall we say of *Vanity Fair*? It was the work which first brought Mr. Thackeray into notice, and is undoubtedly a work of no ordinary genius. Whenever and wherever published it would have commanded attention. Its vivid and accurate pictures of life, its subtle and wide insight into character, its philosophy, its pathos, at once challenged universal admiration. The reason that we have placed it so low in comparison with Mr. Thackeray’s other productions is that *Vanity Fair* is too truculent, too hard, perhaps too harsh in its judgments of the world. Mr. Thackeray’s pen had not then become mellow, nor had it benefitted, by those severe criticisms in the reviews and newspapers which Mr. Thackeray has no doubt always affected to despise, and which in many respects, were certainly open to his contempt, but which have nevertheless insensibly acted upon his subsequent productions and made them more generous in their tone.

It may not be uninteresting to note some of the objections raised by the reviews against *Vanity Fair*. First of all, there was Dobbin’s splay feet, big hands and lisp, which we have already disposed of, deciding in favor of our author. Second,—there was a charge of insipidity against Amelia. This charge Mr. Thackeray bitterly resented at the time, but there was some little truth in it, mixed up with much exaggeration; gentleness and goodness, it is to be feared, must often seem a little insipid, and so far Amelia was insipid; but in her insipidity there was nothing to repel. She was very loving and very loveable. There was not much strength of character in her, but who wants such strength in a wife—no, the less of it, we agree with Brown, the better! Mr. Thackeray must have felt the critic’s censure somewhat keenly for his next heroine was Rachel Esmond, a perfect lady, as we think,—though his critic immediately charged him with running from one extreme to another. Third—Mr. Thackeray was taken to task for crowning the career of Becky Sharp with a murder. Why a murder? Why end a comedy like a tragedy? In the same way he was asked why Beatrix in *Esmond* should have become—plain words are best—so utterly abandoned at the conclusion? For our parts, we think that nowhere has Mr. Thackeray shown more judgment than in these two points. He would have been false to his own high instincts, if to please a morbidly fastidious

taste, or gratify a sham delicacy he should have written differently. The very grimness of each catastrophe heightens the moral effect. *Vanity Fair* is not a comedy, it is a faithful representation of life. Is life a comedy? After painting Becky Sharp's downward career step by step, to omit that appalling background would have been to trifle with his duty as a public teacher, if it would not even have been to pander Ainsworth-like to public depravity. It will be remembered that nothing throughout is broadly stated. Nowhere from the commencement are we certain of the lady's guilt? We are left to infer. Her position is equivocal;—that is all. Neither in the dazzling saloon of the Marquis of Steyne, nor in the garret of the obscure continental town, with German medical students craving admittance can one be positive that Becky is criminal; no more can one be that she murdered Jos Sedley. An air of suspicion floats round her ever; it grows denser and denser, it becomes almost suffocating—but there the Master-hand stops,—and in so stopping proves how deep and profound is its skill. Surely no more faithful picture of life, as it daily presents itself to us, has ever been drawn.

Looking over the range of characters one cannot help being struck with the prominence and individuality with which many of the figures stand out. George Osborne's father, the beetle-browed tyrant, the type of an English merchant, obstinate but generous, to whom nothing would have given greater pleasure than to see his little grandson in Parliament couch a lance against the best speakers of the day;—broken-down old Sedley, still dreaming of making fortune, and carefully tying up prospectuses of wine and coal companies with red tape;—Col. O'Dowd of O'Dowdstown, so good natured, corpulent, and brave; and his lady with her jolly, mottled arms and magnificent turban and bird of paradise, her broad Irish accent, and kindly woman's heart; Stubble and Spooner, the ensigns; old Crawley the type of everything low and mean; frank, generous, but stupid Rawdon; the conceited Sir Pitt and gentle Lady Jane, who steals into the picture like sunshine; the invalid old Miss Crawley whom every body propitiated with an eye to her fortune; Col. MacMurdo so much at home in affairs of honor; the fox-hunting parson, his worldly wife, and promising son, who in lighting his cigar extinguished all hopes of a fortune. Can we spare any of the motley group? Is the assemblage less notable than the throngs in *Pendennis* and the *Newcomes* we have already noticed? Are we not familiar with each and all of the characters as with people whom we have met and expect to see again? Turning over the leaves of our well-thumbed copy we almost sigh to think we have placed

Vanity Fair fourth in order of merit, and the old feeling comes over us that *that* work of Mr. Thackeray's is his best, which we have read last.

Of the Virginians, which we consider the worst of Mr. Thackeray's larger productions, we shall say little. It commenced well, and there is a great deal of writing in it which would have made the fortune of any new novelist, and which may take rank with the best parts of Thackeray's other works, but it has been very much spun out towards the end, and must be pronounced on the whole a failure. Our author after proceeding well for a time, seems to have tired of his work, and to have had no heart in it. The historical characters by no means answer our pre-conceived notions. Washington is not bad; Wolfe is perhaps better; but the glimpses of George Selwyn, and Lord March, and the great lexicographer disappoint us much. Theo and Hetty are delicious little pictures, and we would much rather have such portraits from Mr. Thackeray's pen than the outrageous caricature with which he has favored us of the world's and Boswell's Johnson. The revival of Beatrix, too, appears a mistake. It would have been judicious, we think, to have dropt the curtain on her with Esmond. If the revival of Sam Weller and his father in Master Humphrey's Clock has been condemned as injudicious, much more may this. The moral had been sufficiently pointed, and to bring the old lady again before the audience, was not required. Not that she disappoints; she answers expectation; but in this instance, any account of her would be worse than a discreet silence. She is still the same worldly, selfish, impure woman, which we had before supposed her to be, with larger experience, and grey hair, but no godliness, and no renunciation of her former ways. If a streak of goodness, and generosity, and love, comes across her petrified heart, in beholding, the innocent children of cousin Harry Esmond, the 'finest gentleman' that she ever knew, it comes in spite of her, from impulse, and not principle. She dies, mourned and loved and even pitied by none, like old Sir Pitt Crawley. There is no lack of power, or of instruction in the representation, but we would rather have been spared witnessing it, and the more so because Sir Pitt's melancholy end is not yet forgotten.

Among Mr. Thackeray's minor works we consider Mr. Brown's Letters to his nephew best; its easy, natural, graceful style has peculiar charms for us; Jeames' Contributions second; the Snob Papers third; and the Luck of Barry Lyndon and the Burlesques last of all. From this estimate, we of course, exclude The Great Hoggarty Diamond, which we have already noticed in the

course of this article as a rare jewel, far superior—we say it deliberately—to the Vicar of Wakefield.

We had marked for extract a long passage on love, marriage, and women from Brown's Letters, but our space will not permit its insertion, and this we regret the less as the book is, or ought to be, in every body's hands. A much shorter extract can only be given here.

How Mr. Brown served Ruffles when they were invited by the Marquis of Sweetbread to dinner to meet Prince Schwartzenberg and the Hetman Platoff.

'I was myself a young one, and thought Ruffles was rather inclined to patronise me: which I did not like. "I would have you know, Mr. Ruffles," thought I, "that, after all, a gentleman can but be a gentleman; that though we Browns have no handles to our names we are quite as well-bred as some folks who possess those ornaments"—and in fine I determined to give him a lesson. So when he called for me in the hackney-coach at my lodgings in Swallow Street, and we had driven under the porte-cochère of Sweetbread House, where two tall and powdered domestics in the uniform of the Sweetbreads viz spinach-coloured coat, with waistcoat and the rest of delicate yellow or melted-butter colour, opened the doors of the hall, what do you think, sir, I did? In the presence of these gentlemen, who were holding on at the doors I offered to toss up with Ruffles, heads or tails, who should pay for the coach; and then purposely had a dispute with the poor Jarvey about the fare. Ruffles's face of agony during this transaction I shall never forget. Sir, it was like the Laocoon. Drops of perspiration trembled on his pallid brow, and he flung towards me looks of imploring terror that would have melted an ogre. A better fellow than Ruffles never lived—he is dead long since, and I don't mind owing to this harmless little deceit.'

Jeames's History of the Honorable Mr. Deuceace's and his father's doings is very rich. It is too long to extract. Is not Earl Crabbs the great prototype of Sir Pitt Crawley? The Snob Papers are deservedly popular. The Luck of Barry Lyndon we like least, because it is not in Mr. Thackeray's usual vein. The Burlesques have very much the air of what is called deadlively, and as deliberate travesties, are unworthy of our author's high reputation. The Novels by Eminent Hands and some of the Sketches of Character are very good, and among the Short Tales we may notice, The Fatal Boots, The Ravenswing, Mr. and Mrs. Frank Berry, as indicative not only of high genius, but of the peculiar bent of that genius. They exhibit an endless fund of humour, keen insight into character, thorough knowledge of the world; and the first glimpse of that relentless satire which when fully developed in Vanity Fair, at once placed our author in the rank of the first satirist not only of this, but of all generations.

On Mr. Thackeray's poetry Warrington has already passed judgment. 'Pen's is not first chop.' The public concur in the

verdict ; it is not first chop, that is, not equal to Tennyson ; but at the same time, it would be absurd to say that it is not far better than the ordinary run of magazine poetry. There is an earnestness and simplicity in the sentimental pieces which place them far above the level of our every-day literature. And who amongst the brilliant contributors of *Punch*, including even Shirley Brooks and Tom Taylor, could rival Pleaceman X's happiest efforts such as Jacob Omnium's Hoss, or the best of the *Lyra Hybernica*, the poems of the Molony of Killbally Molony such as the Ball to the Naypaulase Ambassador.

The best of the serious pieces are the May-day Ode, published originally in the broad sheet of the *Times*,—a journal with which Mr. Thackeray had some time before quarrelled for a most ungenerous attack on a small Christmas Book,—The Ballad of Bouillabaisse, the Cane bottomed Chair, the Pen and the Album and the End of the Play.

We extract a few lines from the last, the truth of which must come home to every bosom.

Good night ! I'd say, the griefs, the joys,
 Just hinted in this mimic page,
 The triumphs and defeats of boys,
 Are but repeated in our age.
 I'd say, your woes were not less keen,
 Your hopes more vain than those of men,
 Your pangs or pleasures of fifteen,
 At forty-five played o'er again.

I'd say, we suffer and we strive.
 Not less nor more as men than boys ;
 With grizzled beards at forty-five,
 As erst at twelve in corduroys.
 And if, in time of sacred youth,
 We learned at home to love and pray,
 Pray Heaven that early Love and Truth
 May never wholly pass away.

And in the world, as in the school,
 I'd say, how fate may change and shift ;
 The prize be sometimes with the fool,
 The race not always to the swift.
 The strong may yield, the good may fall,
 The great man be a vulgar clown,
 The knave be lifted over all,
 The kind cast pitilessly down.

Who knows the inscrutable design ?
 Blessed be He who took and gave !
 Why should your mother, Charles, not mine.
 Be weeping at her darling's grave ?*

* C. B. Ob. 29 Nov. 1848. æt 42.

We bow to Heaven that will'd it so,
That darkly rules the fate of all,
That sends the respite or the blow,
That's free to give or to recall.

This crowns his feast with wine and wit :
Who brought him to that mirth and state ?
His betters, see, below him sit,
Or hunger hopeless at the gate.
Who bade the mud from Dives' wheel
To spurn the rags of Lazarus ?
Come, brother, in that dust we'll kneel,
Confessing Heaven that ruled it thus.

So each shall mourn, in life's advance,
Dear hopes, dear friends, untimely killed ;
Shall grieve for many a forfeit chance
And longing passion unfulfilled.
Amen ! whatever fate be sent,
Pray God the heart may kindly glow,
Although the head with cares be bent,
And whitened with the winter snow.

Come wealth or want, come good or ill,
Let young and old accept their part,
And bow before the Awful Will,
And bear it with an honest heart,
Who misses, or who wins the prize.
Go, lose or conquer as you can ;
But if you fail, or if you rise,
Be each, pray God, a gentleman.

An article on Thackeray without a comparison with Dickens, would to many look like the play of Hamlet, with the part of Hamlet left out. We have endeavoured thus far to stave off the comparison, but it is inevitable. Why it should be so is more difficult to answer, for beyond the broad fact that they jointly are at the head of living writers of fiction, there is nothing in common between them. Yet go where you will, if literature be the topic, the two names are invariably coupled together. Some critics profess to admire Dickens, some Thackeray most. Perhaps the admirers of Dickens preponderate ; but, while protesting against the comparison of things wholly dissimilar, we must cast in our vote with the minority, if minority it be. Concurring in the general opinion that Dickens is the greater master in the ideal, Thackeray in the real ; that Dickens is the more genial, generous and romantic, Thackeray the more, vigorous, caustic, and shrewd ; we must yet give the palm of superiority to the last, not less on account of his terse,

pointed and classical style, than for those lofty aims of which he never for a moment loses sight. To reclaim and elevate his readers, to compel them to analyze and examine their motives of action, to discover the true nature of those flattering unctious, with which as virtues or duties they stifle their consciences, and to instruct them to sympathize more with people inferior to them in wealth, in rank, or intellect;—these are Mr. Thackeray's aims. As artists, Mr. Dickens' creations resemble Frank Stone's beautiful pictures, while Mr. Thackeray's resemble photographs. However much we may admire the skill with which the first are colored; in faithfulness they must yield; nor is it any disgrace to Dickens to add that while he must rest content with the honor of being a noble follower of an old school,—a school of which Shakespeare was the great master,—Thackeray may proudly call himself the founder of a new school, in which life appears as it is, and where if we have no model heroes composed of all that is good, and noble, and no model villains composed of all that is despicable in us, we have such men as we daily meet in our walks through life. No character in Thackeray is without infirmity. Lady Rachel Esmond listens through a keyhole, as we have seen, when she finds her husband about to engage in a duel; Colonel Newcome's bamboo cane comes formidably in front when he detects Barnes Newcome's falsehoods, and his subsequent judgments of his relatives, however natural, are not what Pendennis would have wished his venerable friend to form; Pendennis is but 'a brother and a man;' and the noble Dobbin has 'splay feet' and lisps abominably. On the other hand, what tints of goodness appear in places where we should have least expected them. How affectionate and brave is old Major Pendennis notwithstanding his worldliness and his toadyism. What a good fellow is Fred Bayham, though he will never accompany you through Cursitor Street in which his tailor's shop is situated! And do you not confess to some liking of the chaplain in the Virginians, who said he would have flung over Master Will into the pit for whistling and hissing at George's new play, (and the reverend gentleman was fully man enough to execute the threat) 'but he saw a couple of Mr. Nadab's followers prowling 'about the lobby, and was obliged to sheer off'? Even Becky Sharp brings about Dobbin's marriage, and Beatrix watches over Harry Esmond's grandchildren with maternal solicitude and affection. Is it not thus in life? Who is so good, but that he might be better? Who so bad, as to have lost all trace of humanity? There is none who has been so obedient to the will of the Father* as to claim heaven on his own merits;

or else Christianity would be a fable. Our very repentance is so imperfect as to need repentance, and the best of us must be cleansed, and sanctified, and robed in another's garments, before we can be fit to stand in the presence of Purity. On the other hand, the friend of publicans and sinners, never yet cast away any one that came to him. None is so vile as to have completely obliterated in himself all marks of the Hand from which he sprung. The Roman Catholic legend of the Pope who sent the penitent robber, and adulterer, and murderer, despairing away, with the sentence that God would as soon wash out his sins which were of the colour of scarlet, as make the 'peeled staff' in the hand that denounced him, 'put forth both leaf and bloom,' and found green branches with flowers instantly spring out of it, is assuredly, however extravagant, founded upon the essentials of Christianity. No theologian understands these things better than Mr. Thackeray.

More appropriate than a comparison with Dickens would be one with Hogarth. Here the palm of higher genius would be incontestably Thackeray's, and no plea of dissimilarity in the nature of the work could be allowed. Both have a high moral purpose, of which they never for one moment lose sight, and both use the same means for the attainment of that purpose. Satire, keen, biting, relentless satire, are the weapons of both, and are used by both, with an earnestness, which, but that it is necessary, might be called ferocious, an earnestness that has made many cast upon both imputations, which neither ever deserved, and which Thackeray's later writings have shown to be utterly and ridiculously unfounded. Charges of taking the dreariest view of life, of delighting to expose the ugliest side of humanity, of vulgarity, of bitterness, of misanthropy, have been brought against both without good cause, for in neither to use the words of Coleridge on Hogarth 'has the satirist extinguished that love of beauty which belonged to him as a poet.' 'The instructive merriment at the whims of nature, or the foibles or humours of our fellow men,' which we enjoy in both is permitted by neither 'to degenerate into the heart poison of contempt or hatred.' If one lovely face springs up in Hogarth, amidst a multitude of hard, coarse, repulsive faces, to make atonement as it were for them and clear the atmosphere of the moral miasma, how many hundreds of beautiful faces spring up in Thackeray. If there is the 'scorn of vice' in both, to use the words of charming Elia, there is the 'pity' too, and how that pity predominates over the scorn in the later and more gifted workman! Hogarth's love of children has been often noticed. Th

baby in the march to Finchley Common, and the little boy winding up his top in the Harlot's Funeral, have often drawn high praise from discerning critics. Thackeray's love of children is not less noticeable. Little Rawdon Crawley by his mother, and Miles Warrington by his, how each redeems the picture and touches it with sunlight! Both Hogarth and Thackeray love fun, but neither loves it more than truth. Both remember that this is not an age of gold, 'without vice and without misery,' and that to reform it they must expose it; and by both the exposure is thoroughly fearless, though not thoroughly merciless. In their weaknesses and their strength both are thoroughly English; but to the disadvantage of Hogarth it must be written that he sometimes permitted his personal antipathies to overcome his judgment, and his right hand to level against an enemy a weapon that his successor and master never levels but against the enemies of virtue and order. Perhaps on that very account, is the instrument all the more deadly and powerful. Thackeray never forgets Snob's parting words to Punch—fun is good, but truth is better, and love best of all.

If in the course of time it should be our good fortune to revisit England, one of the enjoyments on which we count, and by which we set much store, will be the privilege of meeting and perhaps making the acquaintance of Mr. Thackeray. There may be something smacking of Boswell in this confession, but we are not ashamed to make it still, remembering as we do, that Mr. Thackeray has himself confessed in his lectures, how glad he would have been to black Shakespeare's shoes, or wait on Fielding with his cup of coffee in the morning, and not forgetful of that kindly hand which has painted the unsophisticated and generous Colonel Newcome in the chambers of Pendennis and Warrington, that room with its dingy curtains and prints and book cases, its litter of proof sheets, blotted manuscripts and books for review, empty soda water bottles, cigar boxes and what not, is it absurd in us to say so much? It may be so, but we shall hope otherwise. The tall form towering above the crowd like the form of the son of Kish, the head so bountifully sprinkled with white, the face without a streak of colour, the look at once kindly and scornful, of which we have all read or heard so largely, would then no longer be phantasms of the imagination. And haply we might hear the (*Qu'en dites vous*) which greeted the authoress of *Jane Eyre* as she left the lecture room where duchesses and countesses had crowded to listen to the greatest comic writer of the present age speak of his predecessors, or sit at his own table (is not this too broad a hint Mr. Brown?) and

attend to some old reminiscence of Goethe or Maginn,—or in the study see though but for a moment, in that honored hand the famous gold pen which created Rebecca Sharp and Thomas Newcome, Jack Costigan and Rachel Esmond, for the laughter and tears of endless generations, and which uttered no empty boast when it wrote in an album :—

Nor pass these words as idle phrases by,
Stranger, I never writ a flattery,
Nor signed the page that registered a lie.

ART. V.—1. *Reports of decisions of the Judicial Committee of the Privy Council on appeal from the Supreme and Sudder Dewanny Courts in East India*. Vol. VIII. By E. F. MOORE. London: 1861.

2. *A Practical Treatise on the Appellate Jurisdiction of the House of Lords and the Privy Council*. By JOHN MACQUEEN. London: 1842.

3. *Practice of the Judicial Committee of the Privy Council*. By WM. MACPHERSON. London: 1860.

4. *Proceedings and Ordinances of the Privy Council of England*. By Sir HARRIS NICOLAS. 7 Vols. London: 1834.

5. *An Essay on the Authority of the King's Council*. By Sir F. PALGRAVE. London: 1844.

THE object of the following pages is to elucidate the history of the only institution in England, with which India and the British colonies, are habitually and directly brought into contact. The wise principles which have animated the recent dealings of the mother country with the colonies, have withdrawn their affairs very much from the immediate contact of Parliament, but have centered in the Sovereign in Council a constant control over the administration of justice. This right is inherent in the person of the sovereign and belongs to the idea of royalty. In reference to India that right has been the subject of several Acts of Parliament, defining, controlling and confirming it. The 3 and 4 William IV. c 41, created 'the Judicial Committee of the Privy Council' and secured a certain and speedy hearing of appeals from India, and to facilitate such hearing provided for the appointment of retired Indian Judges as Assessors to the Court. The Privy Council also entertains appeals from the Ecclesiastical and Admiralty Courts, but not from the Courts of common law and equity, or in criminal cases when the crime is committed within the jurisdiction of the British Courts. It is also the recognized executive or deliberative body of the state—the cabinet being entirely unknown to the law. We desire to trace and ascertain the legal rights and constitutional importance of an institution which is interesting to India in common with the whole colonial empire of Great Britain. Nor is the subject without importance in the constitutional history of Great Britain,

for in a structure of such continuous growth almost every part has a separate history and marks the fate of a distinct principle of politics. The struggles of the commons and the rise of the third estate are more familiar subjects, and appeal to popular sympathy; but the vicissitudes to which the sovereign's privy council has been exposed are of hardly less historical and constitutional moment.

The Saxon times are the source of English history, and in their rugged simplicity, we are accustomed to seek the indistinct and half-formed outlines of institutions familiar to ourselves in the fulness of maturity. A council of government however is so obvious an expedient, that every nation not entirely destitute of free spirit has adopted it. In Tacitus* we have the well known description of the primitive Germans 'de minoribus rebus principes consultant: de majoribus omnes; ita tamen ut ea quoque quorum penes plebem arbitrium est apud principes pertractentur.' In other words we find there is a select council of administration; the larger body meet to control, advise and legislate. The affinity of race prepares us for the striking resemblance to this which we find in the Homeric† council. There the separate functions of the βουλὴ and the ἀγορὴ are constantly distinguished. The former, composed of γέροντες whose power and personal capacity conferred the right of attendance, were entrusted with the more secret business of the executive and exercised in the latter the indisputable influence of intellectual superiority. The ἀγορὴ in its turn was the arena where the great questions of peace and war were discussed and decided by the general voice of the community. Amongst the Anglo-Saxons we find traces of two distinct councils—one the precursor of Parliament, the other the germ of the Privy Council. The first—well known to us as the witenagemote—was convened by royal writ at all seasons of the year; Christmas, Easter and Whitsuntide being then, as subsequently under the Normans, most usually selected. It undoubtedly possessed concurrently with the king the legislative power; its share in the executive extended to treaty making, negotiations with foreign powers, the conduct of hostilities, and even in some degree to a supervision over the grants to monasteries and the state of ecclesiastical discipline. As a high court of judicature, the principle on which its authority was chiefly based grew out of the frequent necessity for the executive interfering, where by reason of 'might on one side and unmight on the other,' the due administration of justice was impeded and defied.

* Germ. XI.

† Gladstone's Hom. vol III. 94-144.

On the other hand, we have the select council, or committee of administration, apart from the larger witenagemote; its existence has however been disputed. From the circumstances of the time the natural presumption in its favor is neglected perhaps amidst our notions of the popular spirit of the administration. A full assembly of the witenagemote, even if we restrict the right of attendance to thanes who held forty hydes of land, would be of unfrequent occurrence. As business multiplied it would naturally fall into the hands of a select few, chosen, probably, by the king from his witenagemote. Men, whose intellectual and material resources gave them ascendancy in church or state, whose sympathies were all with the ruling *caste*, and whose provincial authority was indisputable, naturally engrossed the authority of the executive, reserving questions of importance, which demanded the full strength of government, for the consideration of the more general assembly. Evidence has also been deduced from the numerous charters granted by the kings, and dated from the different manors in their progresses through their dominions, of the constant attendance of a select few in the king's council. The authority of Hincmar* has been cited to prove the existence in the administration of Charlemagne, of a select council for public business, claiming also an appellate jurisdiction over the different tribunals of the country. A similar necessity—that of constant attendance on the King required by the exigencies of the administration from the time of Egbert, who came to the English throne fresh from the court of Charlemagne,—must have led to the establishment of government by ‘king in council.’ Nor is it probable that, when the select council of the kings came to be established, it would be restrained from exercising the full powers, executive and judicial, of the larger assembly by any other consideration than the insufficiency of its authority, in cases of emergency, to give a binding force to its acts and decisions.

Thus the constitutional functions of this council were twofold—executive and judicial. In either case it was the representative of the witenagemote, but placed in closer personal relations with the king, and deriving from him a more direct and active authority. Judicial power was of two kinds, original and appellate. When the former was exercised by either the larger or the smaller council it was by virtue of the royal authority—it was the interference of the Government as the conservator of the public peace. The latter devolved upon the witenagemote because it

* Kemble's Saxons in England, v 188.

stood in the relation of a federative assembly to the local courts for purposes of protection and appeal. The whole Anglo-Saxon polity was based upon judicial institutions—the leet, the hundred, the court of the ealderman, each tenacious of its exclusive jurisdiction over suitors within its limits, but deferring to the royal witan as the great council in which all inferior jurisdictions were merged.

Both in the leet and in the witenagemote, the judicial drew after it the legislative power; they who condemned apportioned the penalty—those devised the remedy who preferred the complaint. The witenagemote consisting of ealdermen and thanes (often possessing individual powers of jurisdiction), and of delegates from provincial leets and gemots, effected a concentration of judicial power originally inherent in the local courts. These were famous for their independence, and therefore, if the witenagemote intercepted the judicial process of the court below, it violated the constitution; an appellate jurisdiction alone had been assigned and that too only when justice had been thrice denied. The more powerful thanes, who could not be rendered amenable to the inferior courts, would naturally look to the supreme council of the state. But it was contrary to the spirit of this supreme court to multiply the business which might come before it. If the plaintiff sought justice from the king in the first instance, he incurred a fine* in compensation for the privilege. Justice must have been thrice denied at home; and the reason for this precaution against an excess of business seems to lie in the burden and inconvenience entailed by attendance on the members of the council.

But, however, favorable this scheme of polity may have been to the liberty of the subject, it certainly did not secure the general progress of society after. The Saxons had held power in the island, for six hundred years the introduction of the Normans seemed necessary to infuse new spirit into the machinery of government, though it did not essentially change its form. The courts of justice retained the same powers though the bishop was withdrawn from the county court and a royal justiciary presided in the hundred. How far this and the changes in the tenure of land by enhancing the power of the king affected the position of the *Curia Regis*, as the supreme council then, though probably not for the first time, came to be designated is a point to be considered in estimating the relative position of the select council to the king on the one hand, and to the Great Council or Parliament on the other. The continuance of this select council during the Norman period is a reasonable theory, both from the necessities of

* Athelstan, quoted *Edin. Review*. vol xxxv.

William's position as an invader and as a chieftain of a powerful band of nobles, and from the repugnance of these nobles to anything like a regular attendance at court. Whatever rights, legislative and judicial, were possessed by the Curia Regis would naturally be constantly exercised by a much smaller council, who would, in matters of higher importance, convene the larger assembly in order to give greater stability to the acts of government. The courts *de more* when William and his sons 'wore their crowns,' held at Christmas, Easter, and Whitsuntide, would from time to time vary in the numbers who attended them, and have in fact been regarded* as the select council distinct from the Curia Regis which was even, it is said, occasionally assembled at the same time. However this may have been, there is no evidence that they differed from the Curia Regis with respect to their rights and privileges. But during this general assemblage of the barons, the powers of the select committee were suspended and the great council exercised the right of jurisdiction in the last resort,† partly we may believe from an inherent right of the peerage, grounded on feudal reasons; though in later times it was affirmed by Bracton‡ that such judicial authority existed solely by delegation from the king.

One important indication of the tendency of society to entrust the exercise of power to the hands of a responsible few is early visible. A committee of seven great officers of state with certain barons as assessors was established, possessing rights of jurisdiction which fell into its exclusive hands whilst it held sittings 'ad scaccarium.' This was the first institution of the Exchequer court—the *Curia Regis ad Scaccarium*—for the exclusive administration of all affairs connected with the revenue of the kingdom, and with jurisdiction in all causes which pertained to it, afterwards indefinitely extended by a legal fiction, which supposes some debt to the crown as the basis of the action.

This was in the reign of Henry I, and at the close of Stephen's we arrive at a period which is an era in English history. The courts which had been held 'de more' at Christmas, Easter, and Whitsuntide had now fallen into disuse; the rivalry between the secular and ecclesiastical powers had already taken the form, afterwards so strongly developed, of a tenacious claim to separate, and then superior, jurisdiction; and the sovereign, with his chief justiciary Glanville, possessed a genius for legislation which has

* Report of the Lords' Committee on the dignity of a Peer.

† Edin. Review, vol. xxxvi. 364.

‡ Bracton iii. 10. Dictum est in proximo de ordinariâ jurisdictione quæ pertinet ad regem, &c.

gained an imperishable reputation: Every thing pointed to a new settlement of our judicial institutions. It was contended by Mr. Allen in opposition to most antiquaries, that at the great Council at Clarendon (1164) during this reign, the separation of a smaller council from the *curia regis* first took place. In this reign at least this council was confirmed and fully established, but we also have clear indications of the existence of another court, still with the title of 'Curia Regis,' for the express purpose of administering justice, always following the king's person as the source of its authority, and on which the title of Court of King's Bench was afterwards bestowed. The chief justice usually presided, but the king was by law the president, and there are instances cited by Madox* of Henry III personally sitting for the administration of justice. The rolls of the King's Bench have been published by Sir F. Palgrave† from 6 Richard I, and are the most ancient in existence; dating more than half a century beyond the "Olim" registers of the 28 Louis IX (1254), which are the oldest continental rolls preserved to us in a continuous form. The records, however, must have been taken at a still earlier period; for one in 2 Henry II is extant, and another preserved to us of 9 John quotes one which then existed of 7 Henry II.‡ Few, however, of those reigns remain, the greater number having been lost together with those of the early years of Richard I.

The authority of Benedict Abbas is relied upon by Mr. Hardy and Mr. Hallam to prove a subsequent remodelling of this court; viz. that in 1176 Henry II reduced the number of justices from 18 to 5 and ordered that they should remain in the king's court to hear all writs of the kingdom, referring to the king and the wisest men of the kingdom the decision of any cause which they could not settle. Madox refers to Hoveden, who says that in 1179 the king at a great council at Windsor divided England into four parts, with a justice for each division. This will be sufficient to account for the jurisdiction of the King's Bench being intimately bound up with the common laws and usages of the country. This institution together with that of the appointment of justices in eyre soon drained away the jurisdiction of the local courts; the king's council retaining, as we have seen, a general appellate jurisdiction to correct erroneous decisions, but

* Madox's History of the Exchequer vol iii p. 100.

† Sir F. Palgrave says (Essay p. 62), 'that the functions of this court were not unfrequently exercised by the kings in person, as late as the first and second Edwards.

‡ Palgrave's Introd. to the Rolls of the Curia Regis, sect. i and ii.

more frequently, as we may conjecture, to provide extraordinary remedies.*

It was enacted by Magna Charta that the adjudication of all common pleas of a civil and criminal nature should be held in some fixed place. This is the date generally assigned to the origin of the court of Common Bench though it is sometimes carried back to the reign of Richard I.

Thus the three courts of common law grew out of the *Curia Regis*, and sought to establish their independence. In this however they could not expect at the first to be successful. The *consilium regis* sat with the king's bench and were so often mixed up with its transactions, that the style of that court was often *coram consilio regis*, or *coram rege et consilio*. Under Edward I, the epoch of the rise of the lawyers as a profession, we find this less frequent, though it still continued, either by way of advice on the part of the council, or when issue being joined before the council, in or out of Chancery, the record was sent down to the king's bench. Again the barons of the Exchequer were also lords of the Council, though forming a separate court with a special seal in custody of the Chancellor of the Exchequer. They obtained civil and criminal jurisdiction, as we have said before, under a legal fiction, until they were deprived of the latter by the statute 17 Charles I. The court of common pleas, on the other hand was always distinct from the *consilium regis*: it decided in suits when brought between private parties and therefore not affecting the king.

Next we must notice the *consilium regis ordinarium* which consisted, according to Sir Matthew Hale, of all the members of the Privy Council, the great officers of state, the master of the wardrobe the treasurer and comptroller of the household, the chamberlain of the exchequer, the judges of the bench, masters of chancery, till under Edward I *virii periti* or lawyers might also receive a writ of summons. When all met together they were the king's great council† and decided on the weightiest affairs of state; when the business was of a more contracted nature, those only were summoned under whose cognizance it might seem more especially to fall. The privy council were a select body of these, and entrusted with the secret affairs of state, but often from the indefiniteness of constitutional ideas then prevailing, perhaps from usurpation, exercised powers which more properly belonged to the *consilium ordinarium*.

* This latter branch of its jurisdiction is not directly traceable higher than the reign of Henry III.

† Hale's jurisdiction of House of Lords' c. 4. of Hallam's Middle Ages, vol. iii. 138.

The office and business of this *consilium ordinarium** which was summoned by the king, must be described in reference first, to its deliberative office or power of advice, secondly to its decisive power or power of jurisdiction. The former of these included consultations about affairs of state and public business, as peace, war, finance, truces, leagues and matters of that sort, to which they were summoned by the king. The latter comprised petitions to the king when specially recommended by him to them; also petitions addressed to king and council, and of course those addressed solely to the council. These petitions were not very generally decided before the council. Sometimes they referred them *coram magno consilio*, sometimes *coram rege*. The usual custom, however, was to refer them to the courts, where they were legally determinable. The Council would easily be induced to part with this element of power partly in deference to the jealousy of the people in favor of common law, partly because the judges of the bench were always members of the *consilium ordinarium*, and in the early history of these courts the members of the *consilium ordinarium* were of right assessors to them. Till 5 Richard II c. 9 the usual way and remedy for the king's creditor was to petition the Council in Chancery.

The Privy Council grew up out of the *consilium ordinarium* whose name it for a long time retained. It was a committee of government sworn to secrecy, and it gradually assumed a separate existence, as partly the courts of law became established in their independence, partly they themselves had no occasion for the presence of the judges and lawyers in the more secret business of the executive. It did not in general assume the title of Privy Council of England till after the reign of Henry VI.,† though earlier instances are found of its adopting the name. The indefiniteness of its authority arose from the fact that its members also belonged to the *consilium ordinarium*, and as such could appeal to abundant precedent for their interference in the proceedings of the courts, both of law and equity. The justification of such interference arose from precedents alone—the questionable precedents attending the gradual birth of those courts, before their independence was secured and their authority defined. The exercise of this authority on the part of the king's council, however salutary it might be in some cases, admitted of being ren-

* As the *consilium ordinarium* became more defined in its constitution, the great council appears in a two-fold phase according as it sat in parliament or out of it; in the former alone did it exercise judicial and legislative powers (vide Hale c. 2.); in the latter it had ceased to appear in Hale's time.

† Sir Harris Nicolas's Preface to Rolls of Privy Council, vol. I, p. 4 &c.

dered subservient to the worst passions of political life. It was contrary to the genius of our Saxon institutions, and was resisted by the free spirit of our forefathers, as an unwarrantable stretch of arbitrary power. In the direct exercise of royal prerogative and aristocratic influence, it had a constant tendency to swerve into paths unknown to the constitution, and subversive of the long established rights of judicial independence. And although in an early period of our constitutional history, the weakness of established law required the arm of Government for the security of society, still the whole frame work of the constitution of the country having been erected with a view to render law supreme over the throne and over the executive, every effort was made to repress its extravagances, till under the sway of the Tudors, the licence of prerogative defied the control of law. The act of 3 Hen VII. c. i., which established and extended the Star Chamber, obeyed the worst precedents of an infant society, in which the legislature had, probably from necessity, entrusted the executive council of government with direct jurisdiction. Those precedents we must exhibit, as well as the statutes directed against their oppressive consequences, and in them we hope to find an explanation of the institution of the Star Chamber—a tribunal whose excesses were among the prominent causes of the civil wars of the seventeenth century.

Unsuccessful in its attempts to render the courts of common law the instruments of its authority, the Privy Council had nevertheless a fruitful source of influence in the extensive equitable jurisdiction, which was then in being, and to which at first the council possessed an undivided claim. It included, at that early period of our judicial forms, the cognizance of crimes and a general right to interfere with the due course of law. But though the administration of equity was vested, in early times, in the king's council,* there was growing up also from an early period the Court of Chancery which gradually established its supreme power. We need not stop to discuss the antiquity of this equitable jurisdiction† of chancery, but merely its extension from the reign of Edward I to that of Richard II. Chancery down to the time of Fleta, consisted of clerks, who examined petitions and afforded relief by the king's writ. The council was accustomed to borrow its own process from the chancellor, who held the Great Seal, and who, partly from that fact, and partly from the ability from time to time displayed by him, succeeded in securing the

* Palgrave's Essay 3-4.

† Vide Campbell's *Lives of the Chancellors*, vol. i. p. 186.

presidency of the council, and eventually, the right to hold a separate court of appeal. John gave to the judiciary the power on his own authority to issue writs *de cursu*. These writs were then* five in number, but in the next reign they increased to fifty-one. The king's consent was always necessary for special writs of any kind—after the Mad Parliament at Oxford the further consent of the council was required.† Edward I was accustomed to delegate the exercise of his prerogative to the Chancellor and Master of the Rolls by writ of privy seal as well as to the Council.‡ In the reign of Edward II, according to the instance quoted by Lord Campbell,§ the court was in the habitual exercise of its functions, and under Edward III the Chancellor became possessed of ordinary jurisdiction of great importance.

The question now arises as to the Council's relation to and influence upon the Court of Chancery. The original bond of union was in the person of the Chancellor, who presided in both and from whom the process of each originated. Causes pending before the council became for the most part returnable into Chancery to be heard *coram consilio regis in cancellariâ*. Chancery together with the council often based its jurisdiction|| in certain cases on special acts of parliament passed for that purpose. And we have the opinion of Sir Francis Palgrave¶ that it may be

* Viz. those *de recto—mort d'auncestre—novel disseisin—de nativis et fugitivis—de divisis faciendis*.

† Vide Palgrave's Essay.

‡ It was during this reign that the office of judiciary was abolished, and the separate jurisdiction of chancery established.

§ Lives of the Chancellors, vol. i. 206-9.

|| e. g. (1) with reference to the privy council.

27 Ed. III c. 1. *Statute of Provisors* enabling them to take cognizance of all cases of illegal suing in the Court of Rome.

12 Ric. II. c. 2. in all cases of *scandalum magnatum*.

13 Hen. IV. in cases of great riot and public disturbance.

(2) with reference to the Court of Chancery.

36 Ed. III. "if any man that feeleth himself aggrieved contrary to any articles above written, or others contained in divers statutes, will come into chancery, or any for him, and there make his complaint, he shall presently there have remedy by force of the said articles, without elsewhere pursuing to have remedy." Vide Hallam's Middle Ages, vol. III, 246.

2. Hen. 5 st. 1. c. 9. enabled the Chancellor to issue writs of proclamation in cases of murder and bloodshed, exactly analogous to those issued by the council or by parliament.

33. Hen. 6. c. 1. extended this power for the apprehension of fugitive servants, embezzling the goods of their masters, to be exercised nevertheless, with the advice of the chief justices of either bench, or of the chief baron of the exchequer.

¶ Palgrave's Essay on King's Council, p. 25.

considered as fully established, that until a comparatively recent period, the Chancellor never exercised any judicial functions unless when directed by the council or acting by its authority. The ordinary course of events,* and the constant desire of independence, natural to a court of justice in a free country, tended to the establishment of the separate jurisdiction of the Chancery courts. This was consummated in the reign of Richard II, when on the introduction of feoffments to uses without any legal security for the *cestui que use*, the courts of equity undertook to protect him, and by enforcing the earnest appeal to the conscience of the feoffee which was generally inserted in a deed to uses, recognized the existence of fiduciary estates, which remained without the pale of common law. Thus they gained exclusive cognizance over a most important branch of business transactions and established an ascendancy which they have retained to the present day.

What then had become of the authority of the Privy Council? Deprived, as it would seem, in great measure, of the exclusive exercise of either ordinary or extraordinary jurisdiction, the inference would be, that it was confined to the power which alone it had properly inherited from the *consilium ordinarium*, viz the deliberative power, or power of advice. Nor were these courts of law and equity the only rivals to its authority. The Great Council had developed into a Parliament, and the House of Lords in the time of Edward III seemed disposed to resume the old functions of the great body of the aristocracy, and reconstitute themselves the High Court of English Justice, reducing the Council to the position of advisers and assessors, or, as Sir M. Hale terms it, to that of a *consilium in consilio*. The 'faithful and discreet' commons also aspired to share in the supreme judicial authority, and instances are recorded of their interference. By the time of Henry V this jealousy had grown till they petitioned that no 'authority of Parliament' should be conveyed to either the Council or the Chancellor, for the purpose of putting any man to answer, contrary to law, without the endorsement of and "the assent and request of the Commons."† Statute law throughout had not been neglected in the endeavour to repress the authority of the Council. Magna Charta itself had laid down as

* The transfer of the Chancellorship from the exclusive hands of the clergy, in the reign of Edward III, tended to throw the Courts of Chancery more on the side of the people.

† Rot. Parl. IV. 187, Vide Palgrave's Essay. This seems to have been intended to restrain the practice of issuing writs to the Sheriff to make proclamation for any man within the county, to appear before the Council or the Chancellor

a precedent that no freeman should be arrested, imprisoned, or disseised of his freehold, or outlawed or destroyed in any manner except by judgement of his peers or by the law of the land. The 5 Ed. III declared, that no man should be prejudged of life and limb, nor should his lands, tenements, goods and chattels be seized into the king's hands, contrary to the great Charter and the law of the land. The 25 Ed. III c. 4 enacted, that no man should be taken by petition or suggestion to the king and his council, unless it were by writ original at the common law, nor should he be put out of his franchise or freehold, unless he were duly put to answer, and prejudged of the same by due course of law. The 42 Ed. III. c. 3. in reference to persons accused and taken, and caused to come before the king's council by writ, or otherwise against the law, enacted that no man be put to answer without presentment before justices or master of record, or by due process and writ original, according to the old law of the land. These statutes were constantly evaded, but still other abridgements of the council's power were devised. *Auditores petitionum** were established, who soon absorbed their business in reference to petitions in parliament. State business multiplied and withdrew their attention, and finally, the expences incurred induced the suitors themselves to institute their suits, in the first instance, in the courts where they were legally determinable. Thus the decisive power of the council *in foro contentioso* became limited to their influence in the house of Lords as a *consilium in consilio*, to the authority which devolved on them during the parliamentary recess, to the king's delegated right of royalty. Ordinances could be made by the council at the petition of the commons and with the consent of the lords to avoid the necessity of a new law, or they could be made by the king and council, or by the council with the king's consent.

It would be beside the purpose of this article to trace the rapid growth of the power of chancery during the reigns of the three Edwards. It undoubtedly had together with the rise of the commons great influence in settling and defining, for a time and to a certain extent, the authority of the Privy Council. But it was an inevitable result of each minority, and each appointment of a council of Government by the legislature, or by an aristocracy in arms, that the powers of the king's continual council became increased. It was with the long minority of Henry III that its judicial and political authority became established, and we enter

* These were a parliamentary committee consisting of bishops, earls, barons, and judges. They answered in the name of the council, and occasionally referred their business to the *magnum consilium*. Palgrave.

on the path of its ascertained history. From that time downwards its members were the ordinary advisers of the crown, and in the 43rd of his reign Henry III promised to do nothing without the consent of the nobles, selected to be his council.* After 20 Edward I, the justices of the king's bench were no longer members of it, and under Henry V the jurisdiction of the council and of chancery became distinct. The work of separation continued till in the reign of Edward IV the judges declared 'that the four courts were the king's courts and had been so time out of mind, so that no man knoweth that which is most ancient.†

The reign of Richard II followed by the rise of the Lancastrian dynasty forms an important epoch in our constitutional history. The courts of law and equity were by this time strong enough to restrain the judicial authority of the council, and accordingly we find that from Richard II to Edward VI, greater regularity, was observed in its proceedings. Still however the watchful eye of Parliament was ever observant of its conduct, and the evidence which the Rolls and Statute Book afford of the estimation in which it was held, will materially assist in ascertaining its historical and constitutional position. We must however before pursuing any further this part of our subject first advert to the authority, which the Council exercised in the executive administration of affairs. The conduct of Richard had tended to provoke the power of parliament, and to throw all classes of society on the side of his council, with the view of restraining his excesses by their administrative authority. Royal authority in the next reign was weakened by the feebleness of the royal title and by internal divisions, and in the reign of Henry V by the frequent absence of the king. The long minority of Henry VI, was soon followed by the turbulence of the civil wars, and at the accession of the Tudors the council, no longer drawing its influence from the heart of a powerful nobility, became the tool of royal prerogative. During the period which immediately preceded this, we have ample historical evidence of its proceedings and ordinances in the rolls, which have been published by Sir Harris Nicolas, and which extend from 10 Richard II to 13 Henry VI, with some scattered entries for the rest of that reign, and are again renewed late in the reign of Henry VIII from 1540 to 1542. These invaluable historical records afford considerable information respecting the nature and duties of the office of Privy Councillor. The power of appointment seems to have been vested in the crown,

* Spence on the Laws of Europe, p. 538

† 8 Co. Preface xvi. as quoted Spence's equitable jurisdiction. vol. i. p. 334.

restricted by various regulations of Parliament made from time to time as to the duration of its tenure, and by the necessity of making popular selections. We can hardly consider it otherwise than an encroachment on the prerogative, when, favoured by the circumstances of the moment, attempts were made to dictate to the king the appointments to his Council.

The great officers of state and the two archbishops sat of right at the Council board; the primate claiming for himself and his successors to be present at all the king's councils, general, special, and secret.* Daily attendance seems to have been exacted on pain of being fined†, a consequence probably of the high salaries to which they were entitled. The question of their pay engrossed the attention of the council pretty considerably from time to time. In 13 Richard II an ordinance declares that the 'batchelors' shall receive reasonable fees, those of the lords will be regulated by the king and council. In 5 Hen VI the Duke of Gloucester was allowed the enormous sum of 3000 marks from the Treasurer for attendance in council; and an ordinance of 2 Henry VI apportioned their pay to the members of the council according to their rank, and provides a scale of fines for non-attendance in proportion to their pay. An entry of the 28th February 1424 is interesting, as it narrates the form of oath adopted by a Privy Counsellor on taking his seat—'on the 28th day of the said month, 'John Lord of Scroop swore on the holy gospels in the usual form 'faithfully to counsel for the good of the king and realm, and 'was admitted forthwith to the king's council in the presence 'of the Lords, the Duke of Gloucester, the archbishop of Canterbury, the bishops of Winchester, Norwich† &c.'

Regulations for the governance of the council often formed the subject of parliamentary debate, and we also find the council laying down strict rules for their own guidance and enforcing their observance by prescribed penalties. In 10 Richard II on the 8th of March, an ordinance was made relative to the transaction of business, which gave to government business the precedence, apportioning to the justices, the chancellor, and the treasurer respectively, whatever related to the common law, to chancery or to the exchequer, reserving for the king's consideration all matters which could not be expedited without his special consent, and referring all other important business to be determined by such members of the council as might be present, with this exception that, as no grant to the detriment of the king's

* Rolls of Privy Council, vol. i. p. 3.

† Sir H. Nicolas pref. to Rolls of Privy Council, vol. i. p. 5.

‡ Ibid vol. III. p. 147.

revenue could pass without advice of the council, (a necessary regulation when we regard the authenticated accounts of Richard's extravagance), such advice should not be given without the consent of the dukes of Guienne, York and Gloucester, and of the chancellor or of two of them. To the keeper of the Privy Seal together with such members of the council as might be present, was allotted the duty of examining the various petitions of less moment which should from time to time be presented by the people.

In 21 Richard II, we have an early precedent for the council interposing in ecclesiastical matters, and ordering general prayers and thanksgivings in all churches throughout the kingdom for the soul of the duke of Gloucester who had confessed and repented of his treason before his death. From the moment of the accession of Henry IV, the difficulties which surrounded the throne were immense, and with the exception of one short interval not long before the close of this reign, the title of the house of Lancaster can hardly be said to have been thoroughly acquiesced in, till the battle of Agincourt revived the glories of the two Edwards, and inspired a general satisfaction. The alienation of France in consequence of the death of Isabella's husband Richard II—Scotland for her own ends keeping alive the delusions respecting his hiding place; the rebellions of Glendower, Mortimer, and subsequently the Percies; the animosities of the Lollards and Churchmen, presented a stormy scene of politics to the occupant of a throne whose very title was with justice disputed. The object of Henry was to put himself forward as the champion of order—to make as it were the factions and institutions of the country find in his policy the security for their existence, whatever resentment they might harbour against him. Though Henry played his difficult game with consummate ability and tact, it was impossible but that under such circumstances the more liberal element of constitutional government should flourish and become established. We are not concerned with any of these, except so far as the greater regularity of the council's proceedings and the greater deference paid by the sovereign to its political influence, may have affected the general welfare of society. The limits of its judicial authority were now becoming as nearly ascertained, as the nature of the times would permit; its executive functions were also brought prominently forward and resolutely maintained. The registers of its proceedings disclose the manner in which it carried on the public business with regard to revenue, the internal government of the country, the management of foreign affairs, deciding upon petitions, and listening to disputes on questions of court etiquette.

The key to the position of the Privy Council at the commencement of this reign is to be found in their settled, growing reluctance to meet parliament for supplies* if it could possibly be avoided. Several attainders had followed upon the recent successful usurpation of the throne and large estates had fallen to the crown. These together with the ordinary revenues of the kingdom afforded reasons ample enough to have justified the commons in inquiring into grievances and above all in raising the inconvenient question of the disposal of the public revenues. Whether this question, so far as regarded the forfeited estates, had become a personal one to any members of the Council or not, it is certain that a reluctance on their part to meet parliament was the cause of great disasters at the commencement of this reign, and was a sufficient pressure on their administration to prevent them from establishing any undue ascendancy. They commence together with the Lords spiritual and temporal, and therefore forming the Great Council, on the 9th of February 1400 with an agreement that the peers should grant the king an aid, and that letters of Privy Seal should be sent round to the abbots throughout the kingdom for that purpose. They apportion almost every expense of the king's household, arrange the outlay on the retinue and attendance of queen Isabel who was now leaving England; the public purse seems to have been entirely abandoned to them and it is impossible to charge them with either extortion or profusion.

In regard to the rebellion which broke out in North Wales Sir Henry Percy appears as the discontented general whose troops are ill paid, whose schemes are frustrated and whose engagements are broken—all which he directly charges upon the Council in no measured terms, in consequence of their having in modern phraseology starved the war. During the month of May† 1401 the council receive incessant complaints of the non-payment of moneys, at the commencement of June‡ he states his utter inability to bear with the expense any longer, and in a month afterwards§ he complains that the king had enjoined payment upon the Treasurer, that the Treasurer had promised payment if the Council consented, but that the Council had broken their promise. He then charges them with mal-administration and ignorance of the importance of keeping the marches

* Sir H. Nicolas Pref. to Rolls of Privy Council vol. i. p. xxxiii.

† Rolls I. p. 150.

‡ Rolls I. p. 152.

§ Rolls II. p. 57.

and adds that he has written to the king to refuse any further responsibility in the matter—those who withhold supplies must bear the blame.

The disgust of Sir Henry Percy is but the commencement of the Council's difficulties. Next year* on the 3rd of February 1402 they appointed persons to superintend the payments to be made out of the subsidies granted to the king in the last Parliament. On the 15th of May the king wrote from Berkhamstead to the Council to express surprise that the marriage portion of his daughter the Princess Blanche had been withheld and to desire instant payment. The same month Richard of York demanded payment for his retinue whose term of service had expired, and who would disband unless paid.† The Prince of Wales also sent the same month from Shrewsbury demanding immediate supplies; ‡ no more favorable opportunity would occur for suppressing the rebellion, but his soldiers refused to remain unless they had their pay. Still the Council declined to summon Parliament, but they requested in the king's name loans from the bishops, abbots, priors, knights and others. The amount obtained did not remove the pressure of pecuniary difficulties. The earl of || Northumberland wrote on the 30 May 1403 that Ormeston castle in Scotland would be his own on the first of August—he has hostages for his security—unless it should previously be rescued by the French who were already making preparations for that object. On the 26th of June he followed up the application by a letter to the king charging the council with withholding payment against the royal command, and intimating that the honor and chivalrous renown of the kingdom required that the expedition should not be frustrated. A fortnight afterwards the king wrote to the Council§ commanding payment for the retinue of the Prince of Wales, and a week afterwards he announces the rebellion of Sir Henry Percy. The irritation appears to have arisen quite as much, if not more, on account of the Council as of the king. There is a jealousy of the Council's power, a suspicion that poverty was not the only ground for withholding supplies; and when we consider the impolicy of exciting the enmity of the powerful house of Northumberland in the difficulties by which the Crown was

* Rolls I. p. 179.

† Vol. I. 187.

‡ II. 62.

|| II. 203.

§ II. 206.

beset, the 'sorry battle of Shrewsbury' must be regarded as the fault or misfortune of the Council's administration.

Other notices occur during this reign of the Council's fiscal regulations; on a subsidy being granted they appear to apportion the sums which shall be devoted for specific purposes,* such as the garrison of Calais—the marches thereof—the king's household, wardrobe, &c.—the repayment of money which had been advanced to the king, and also 'to avoid the clamour of the people.'

At other times they borrowed money upon their own personal security the lords of the Council going down for that purpose to their respective counties, where they exercised local influence. The king does not seem to have retained during this reign much control over the public purse. In 6 Henry IV (May 31. 1405) he wrote to the Council commanding payment to the Prince of Wales as Warden of the Welsh Marches of all the money appointed for the safeguard of Wales. This brought within the fortnight from the Council an answer specifying the sums which they had raised—the purpose for which they had been expended—and the impossibility of complying with the commands of the king. Such were the exigencies of the council and such the weakness of the executive with a contested title to the throne, that it was with the utmost reluctance that the ministers of the crown brought themselves to face Parliament and renew from time to time that huckstering over grievance and supply which was for a long time the safeguard of our constitutional liberties.

The administrative functions of the Privy Council were exercised to the utmost during nearly the whole of this reign. It seems that almost from the accession of Henry IV, the Council felt that in the extreme political confusion which ensued they must assume the whole direction of government.

Accordingly they brought the whole state of affairs under the consideration of the king with their advice as to the treatment of Richard, supposing him still alive—the necessity of a general pardon in some cases to prevent malicious prosecutions—of a proclamation in others empowering justices and sheriffs to imprison all offenders till information should be given to the king and council—of guarding the castles on the sea coast—of immediately assembling the navy, and of taking decisive steps to secure the due administration of justice. The Council also determined that a person should be appointed to report to the king the advice of the Council. It does not appear

* Rolls. vol I. p. 331. 11 Hen. IV. &c.

whom they thought fit to entrust with this office although it was one which naturally conferred the highest distinction. Throughout the reign of Henry IV the Council appear to have regulated everything from the suppression of the rebellion of Hotspur down to the minutest arrangements respecting the retinue and property of Queen Isabel, the widow of the deposed sovereign. They order every general from the Prince of Wales downwards; they advise the king it is true, but their tone at times rises to commands. In 8 Henry IV, they undertook to reform the royal household, and they requested the king to remove after Christmas to some place where it would be most convenient, to make such ordinance for its governance as might tend to the pleasure of God and of the people.*

With reference to the Council's rights of jurisdiction we may give the following instances. In the first year of this reign, December 1399, two petitions are the subjects of decisions by the Council one from a minor, son and heir of the Duke of Norfolk, praying that a sum should be allowed for his maintenance out of two lordships in Wales; the other from John Skelton praying that the Council would direct the treasurer and barons of the exchequer to account with him for wages due. In 8 Henry IV†, the Mayor and aldermen of London brought an accusation against several persons, of using unlawful nets and resisting the subconservator of the Thames and Medway. They pleaded guilty and were commanded to surrender their nets to the Mayor and replace them by others according to the standard of London. In 12 Hen. IV there is a clear indication of the tendency to adopt arbitrary proceedings on the part of the Council. A man named Edmond Leversegge had claimed the manor of Frome Braunche with the hundred of Frome in right of his wife. The Council ordered him to remove his wife and family out of the said manor and hundred within one month next ensuing, and not allow them to re-enter till next Easter; they further order him to attend daily at the Court of Chancery and not to depart without the permission of the Chancellor under penalty of 1000 marks.

In 13 Henry IV there is a letter from the king to the Chancellor in which, although the subject closely affected the state of foreign affairs, the Council is not once mentioned, commanding him to renew certain letters of marque granted to John de Waghen, who had been defrauded by two merchants of Leyden and Delf,

* Rolls I. p. 1—10

† I. p. 298.

against the subjects of the Duke of Bavaria, Count of Holland and Zealand, justice not having been rendered by the said Duke. We find petitions sent up from all quarters; one especially from Ireland to the king and Council praying against all manner of eyres,* and complaining of general misgovernment. The throne was generally the quarter to which petitions were addressed and they were returned with the answer 'le Roy ad granté, le Roy le voule', or that the king had referred them to the Council to do therein what the case required, or that the king had granted it with consent of the Council.

The minutes of the Council in the early part of the reign of Henry IV throw some light on the manner in which the criminal jurisdiction of the Council was extended and confirmed. In times of great civil commotion, as we have before observed, the law was not strong enough to vindicate itself. The common people became insolent (*fiers*), grand juries refused to present and it became necessary that, as in high quarters the example of rebellion had been set, so the re-establishment of order should be secured by the exertions of Government. Accordingly offenders were summoned before the king and Council, nor were they liberated again till their conduct had undergone an investigation by the ruling authorities. A proclamation was issued in which the justices and sheriffs were ordered to suppress riotous assemblies and imprison the offenders, until information should be given to the king and his Council. There are times in the history even of a people inured to free government and habits of self-control when the security of society requires that the rights to independent justice shall be temporarily dispensed with. It was thus that the direct criminal jurisdiction of the Privy Council acquired validity, and precedents for future violations of the great charter in its most essential clauses were originated and established.

One point of minor importance remains with which we may conclude our slight sketch of the varied subjects brought under the notice of the Council; a question of court etiquette. In 6 Henry IV two disputes on this subject arose, the earl of Warwick claiming precedence over the earl Marshal, and Lord Grey over Lord Beaumont which is said to be the earliest dispute of this nature between *barons*. They were decided in favour of lords Warwick and Grey, but in 3 Henry VI the earl Marshal† again put forward his claim and the dispute was terminated by admitting him to the Dukedom as heir to his father.

* II. p. 45.

† See note Sir H. Nicolas, *Rolls* II. p. 105.

This was the range of the Council's authority as it was established at the accession of Henry IV. In the next reign, during which the sovereign was so often absent from the country, leaving the Council sole guardian of its honor and safety, that authority became more complete and consistent. Several instances occur of the council's arbitrary interference with the liberties of the subject. Some foreign merchants residing in London were offered the alternative of subscribing loans to the sovereign* or of being committed to prison. They chose the latter and were released only on complying with the demands which were made on them. An individual case is presented in the fate of Sir Hugh Ansley who was committed by the Council† to the Fleet and his lands forfeited for remaining in England when he had engaged to serve in France.

In entering upon the reign of Henry VI, we must allude to the registry of the council's ordinances and proceedings known as the 'Book of the Council'. The MSS which formed the register consisted of several rolls of parchment and by some means or other became the property of Sir Robert Cotton and they now form two folio volumes in the Cottonian Library. The effect of their having been thus alienated from their original depository, however genuine and authentic they may be, is to destroy their value as legal evidence.‡ The records extend over the fourteen years between the 9 Henry V and 13 Henry VI, but from that time till nearly the end of Henry VIII's reign the registry is discontinued. The loss is supplied in some measure by original minutes taken during its meetings which have been preserved, extending from 15 Henry VI to 22 Henry VI—a few fragments only of 24 Henry VI remaining.§ There is also an important journal|| of the proceedings of the ambassadors who were sent to the marches of Calais to treat for peace with France, through the mediation of Cardinal Beaufort and the Duchess of Burgundy. From these sources the history of the Council is supplied, but from 35 Henry VI to 32 Henry VIII (1540) it is entirely lost. It would be impossible to follow out the history of this reign, as it is given to us in the records of the Privy council. The infancy of the sovereign, the insufficiency of his title

* Rolls vol. II. p. 165-6.

† p. 102.

‡ V. pref. v.

§ p. vii.

|| See Appendix V. 335, They were the Cardinal Beaufort, Duke of Norfolk, Earl of Oxford, and others, and the journal extends from 26 June 1438, to 10 October 1439.

still attracting public attention, the ambition of the dukes of Bedford and Gloucester, the military operations of the former in France, the rivalry of the latter with Cardinal Beaufort, and the manner in which such powerful and rival statesmen complicated our foreign relations, called forth the utmost energies of the council. They began by disputing the right of the Duke of Gloucester, who aspired to act as Protector of the realm, to open and dissolve Parliament without their consent. The duke yielding, Parliament appointed the duke of Bedford as Regent or Protector, though in his absence the duties were confided to the duke of Gloucester. These the Council undertook to limit and define. The Council were also entrusted by Parliament with the disposal of wards, marriages and farms belonging to the crown, and with the power of inquiring into lunacy. Next year an ordinance was made with the obvious intention of securing speedy and impartial justice. Every bill presented to the Council was to be read on the Wednesday and an answer given on the Friday. If the case was determinable at common law the Council were not to interfere except on the ground hallowed by the old precedents of the constitution 'of might on one side and unmight on the 'other.' Every facility was afforded of suing *in forma pauperis*. The Clerk* of the Council selected the poorest suitor's bill which was to be read and answered—one of the king's sergeants being sworn to give without fees his best assistance under pain of dismissal from office. Vigorous measures were adopted by the Council to prevent the Court of Rome from filling English bishoprics without the king's consent. It is impossible to read the records of the Council during the early years of Henry's reign without admiring the tact, resolution and sagacity with which the Council upheld the government. Home and foreign politics were both of the stormiest character, but whatever difficulty they experienced from the duke of Gloucester's rivalry with Cardinal Beaufort and disregard of themselves, they found ample support in the conduct and character of Bedford. That prince's influence was never exercised in obstructing the policy of the Council. The utmost harmony appeared to subsist between them. In answer to a message by them in consequence of the jealousy which they began to entertain of the two royal dukes, especially of Gloucester, interfering between them and the unfettered exercise of the delegated royal authority, Bedford answered that he would in all things be advised and ruled by them as submissively as the poorest subject and 'it afforded him the greatest

* Rolls of Privy Council, vol. III p. 19.

‘gladness that he ever felt in his heart to see the king in his ‘tender age to have so substantial and so true a council.’* The example had its effect upon Gloucester, but not until he had ejaculated ‘let my brother govern as him lust while he is in this ‘land, for after his going over into France, I will govern as me seemeth good.’

There are several instances scattered through the volumes of Sir Harris Nicolas, which disclose the relation of the Great Council to the Ordinary Council.† We select one which occurred in 7 Henry VI, when a Great Council was assembled at Westminster ‡ on the 15th of April. It seems to have been a deliberative and executive assembly, exercising authority under circumstances which the Privy Council deemed too important and critical for their unsupported decision. In the instance we select the difficulties, which appealed for their solution to the more authoritative voice of the Great Council, affected the dignity and power of the crown, the financial condition of the country and the conduct of its military operations. Every thing therefore, which the power of the purse eventually assigned to the commons in Parliament, the Privy Council originally referred if possible to the Great Council or the general assembly of lords, spiritual and temporal, whose twofold and sometimes threefold character as the members of these separate councils attests that marked preponderance of the aristocracy, which has so signally influenced the political and social system of England. The coronation of the king in France was the first subject of attention, a deficit in the council revenue to the extent of 20,000 marks was the second, and a third was the probable failure of the siege of Orleans by the earl of Salisbury in consequence of desertions, which the Council were now called upon to remedy by new contingents by land and by sea. There seems to have been some strong feeling at work in the public mind to prevent the Privy Council from assuming the whole authority of the executive in important business. This led during its double rule in France and England to the inconvenient and fatal mistake of neutralizing its influence by first establishing two separate boards in the two countries, and then rendering the consent of the whole body necessary in critical or important matters, thus paralyzing the hand of Government.§

* Rolls of the Privy Council, vol. III. p. 39.

† Vide I pref. xxvii. and p. 102, xxviii. and p. 107 &c. &c.

‡ III pref. lxii. and p. 322.

§ Rolls of the Privy Council, vol. iv. pref. x.

Before we finally quit the subject of the Privy Council under the Henries we must revert to the subject of the parliamentary opposition which it encountered, and again call the statute book in evidence as to its general position in the public mind. Parliament and the country viewed its judicial authority and its encroachments with the utmost jealousy, and bitterly complained of its frequent interference with the due course of common law. The administration of equity involved a right to this interference, and originally vested in the king's council.* The enactments which restrained it are public protests of the sanctity of the old laws and usages of the country. They are elements in the history of the long divorce between the courts of law and equity, and deserve the utmost attention in fixing the constitutional position of the Privy Council. We have appealed to the institutions of Saxon times to throw light on the position and influence of the sovereign's Privy Council. The various efforts made by Parliament to render it obedient to law, or in other words, to reduce it to its proper constitutional level were extended to govern if possible the nomination of its members, the rule of its proceedings, and the limits of its authority. The rolls of Parliament shew how large a share of public attention the council absorbed; and the expedients adopted, while they evince the resolution of the commons, shew also the difficulty of the struggle to which they were now committed.

The close of Edward III's reign is the point from which we digressed to review the executive functions of the council. From this stage in English history we may date the growth of parties and party spirit. The discord of Churchmen and Lollards and of the rival supporters of different nobles and popes, the jealousy between Edward's sons and their opposition to his successor were, both at the Council board and in Parliament, the constant source of struggle. The Commons were thereby roused and encouraged to secure to themselves a greater share of political influence, and besides improving the opportunity for the establishment of several constitutional principles, they constantly directed their efforts towards controlling the conduct of the Council. Viewing them as entrusted with the executive power and with a constant dread of their tendency to trespass beyond their proper bounds, Parliament interfered with minute, and as it would seem, vexatious regulations. Thus in 50 Edward III † 'considering the mischiefs of the land they shew to the king

* Palgrave's *Essay* on the authority of King's Council. sec 3, 4.

† Rot. Parl. ii. 322.

‘ and the Lords of Parliament what would be for the honor of
 ‘ the king and for the advantage of the whole land, which is sore
 ‘ troubled in different manner by many adversities as well by the
 ‘ wars of France and Spain and Ireland as of Guienne and Bretagne
 ‘ and other places, and also that the officers who have been accus-
 ‘ tomed to surround the king are not sufficient for carrying on so
 ‘ responsible a government. Wherefore they pray the council of
 ‘ our Lord the king be restrained from transacting any import-
 ‘ ant business without obtaining the consent and advice of all
 ‘ members who are to number ten or twelve in great matters, six or
 ‘ four in those of lesser import and according as the case requireth.
 ‘ They pray also that six or not less than four be continually sitting
 ‘ as the king’s council. And our Lord the king considering
 ‘ the said request to be honorable and very profitable to him
 ‘ and to his realm consented to it. Provided always that the Chan-
 ‘ cellor, Treasurer and guardian of the Privy Seal and all other the
 ‘ king’s officers shall be competent to do and perform the business
 ‘ which affects their offices without the presence of the said coun-
 ‘ cillors. And it is ordained and agreed that such as shall be ap-
 ‘ pointed counsellors from time to time be held to guard this ordi-
 ‘ nance and to do right to each according to their powers. And
 ‘ further it is ordained that they take nothing of any one by pro-
 ‘ mise or otherwise upon pain of forfeiting double of what they
 ‘ have received besides the costs and expences of the party ag-
 ‘ grieved: and to our Lord the king they shall fine six times the
 ‘ amount which they have received. The cognizance and jurisdic-
 ‘ tion of anything shall be to the king and his sons, having taken
 ‘ to them six prelates and lords at the suit *de partie donante* and ne-
 ‘ ver before other persons nor in other manner; but if a man make
 ‘ a complaint and cannot prove his charge he shall incur the penal-
 ‘ ty ordained by statute 38 Edward III.’

The next year* they pray the young king who had just ascend-
 ed the throne that it may please his Highness by the advice of all
 the Lords of Parliament until he should be of full age to under-
 stand the good and evil (men); to grant that all counsellors and
 officers hereafter elected be made and provided by Parliament.
 This was a virtual transfer of the executive into the hands of the
 two houses and in common with similar attempts at other periods
 of our history obtained but a transient success. It was in times
 when the authority of the sovereign was weak that parliament
 put forward its pretensions to regulate appointments to his
 council. Thus we find a precedent for the present petition in

* 1. Ric. 2. Rot. Parl. iii. 16.

5 Edward II c. 13* where they had succeeded in obtaining as a part of statute law 'we do ordain that all evil councillors shall be put away and removed altogether so that neither they nor other such be near him nor retained in any office of the king, and other more fit people be put in their places.'

In tracing the efforts of the Commons to control the nomination of councillors and their continuance in office we are watching the early growth of the constitutional principle, now matured and definite, of the personal responsibility of ministers to Parliament. The ever changing politics of the moment dictated the course to be pursued, but the view of the English people to establish their freedom was constant. When prerogative was strained by the King personally, they were glad to find a counterpoise by supporting the authority of the Council. When prerogative was weakened by the incapacity of the sovereign, they endeavoured to secure a supervision and virtual supremacy over the person and acts of each individual councillor. Thus in 13 Richard II† on the 20th day of Jan. 1389 there is an entry which is itself sufficient to shew that during this feeble minority the Commons had not been idle. The Bishop of Winchester, Chancellor of England, and the Bishop of Saint David, Treasurer of England, and all the lords of the Great Council of the King, besides the Clerk of the Privy Seal prayed to our Lord the king to have consideration for the great travail and costs that they have continually had and suffered during the time that they have occupied the said offices and to discharge them accordingly, and find other good and sufficient men in their stead. And thereupon the chancellor surrendered the great seal, and the treasurer the keys of the treasury, to the king, and the king received them and discharged the said councillors from their offices. And he dismissed also the Lords of the Council. And when they were dismissed they prayed openly in Parliament that, if any one had aught to complain of them in respect of anything they had done during their tenure of office, he should directly shew it to the King in Parliament; thereupon the Commons prayed for time to consider and then, being questioned by the Duke of Lancaster at the command of the King, said plainly that they had diligently enquired and conferred together of the said matter and that they neither knew of nor could find any cause of complaint against them or to say anything against them, but that it seemed to them that they had done very well and deserved very great

* See Stat. of the Realm.

† Rot. Parl. iii. 258.

gratitude for their services in the said offices, and thereupon they thanked them greatly in full Parliament. And besides, the prelates and lords of Parliament when questioned by the King said—they knew nothing but good of them; and that they had well and duly done in their said offices. And immediately after our Lord the King said openly—‘that the said officers and ‘councillors had well done in their said offices, and he held them ‘good and loyal.’ Thus the Ministers of that time received an abundant measure of Parliamentary approbation, but the necessity of bringing their conduct publicly forward was proof of their temporary depression. Whatever may have been the real motives on either side, it is clear that the Commons were not so entirely satisfied as would appear by the entry which we have quoted; for in the same year (13 Richard II) and a little further on in the Rolls* we find one of their numerous complaints of arbitrary interference with the common law. ‘The Commons ‘pray that neither the Chancellor nor the King’s Council after ‘parliament is prorogued may make any ordinance contrary to ‘the common law and ancient customs of the land and the ‘statutes and that no judgment be reversed without process of ‘law.’

The King answered—‘Let it be as it has been hitherto, so that ‘the Regality of the King be saved, and if any think himself ‘aggrieved let him shew it specially, and right shall be done him.’

The Commons also† pray that neither at any man’s suit nor suggestion shall the King’s lieges be made to come by writ ‘quibusdam de certis’, nor by any other such writ before the Chancellor or King’s Council, to answer in any manner for any thing of which recovery may be had by common law or otherwise by statute, upon pain of the Chancellor’s forfeiting £100 to the King, and the clerk who shall write the writ shall lose his office in Chancery without ever being restored to it.

Richard replied that he would preserve his royal rights as his progenitors had done before him. These answers evince a sufficiently arbitrary spirit and throw some suspicion on the prodigious hurry with which the Council had this very year challenged the criticism of both houses of Parliament.

We have before alluded to the extreme jealousy with which Parliament regarded the judicial encroachments of the Council, and may therefore now content ourselves with only quoting one more entry at least of this reign. In 2 Richard II there is

* Rot. Parl. iii. 266.

† Rot. Parl. iii. 267.

another proof of the aversion of the Commons to any compulsory process issuing out of the Court of Chancery or the Council.

It must be admitted that their patience was being tried to the utmost. It was during this reign, as we learn from an entry in the Rolls of Parliament of 9 Henry V, that John de Waltham, Master of the Rolls, invented the clause of '*hoc sub pœnâ centum librarum nullatenus omittas*' to be added to the writ of '*quibusdam certis de causis*.' It is difficult to exaggerate the indignation of the Commons and the abhorrence with which the name of the inventors came to be regarded. Yet in reality there was no great hardship inflicted. The fine was, according to Mr. Hallam, rarely enforced; if the party did not put in his appearance, he was brought into contempt and could be subjected to arrest as at present. But the Commons petitioned* that no writ issue out of Chancery, nor secret letters of Privy Seal directing any one, to be brought before the King's Council or elsewhere to answer for his freehold or anything appertaining to the same as has been ordained hitherto; but according to the common law of the land allowed to take its proper course.

Soon† after the accession of Henry the VI. the Commons prayed that all writs or letters of Privy Seal of our Lord the King directed to different lieges of the King to appear before our Lord the King in his Council or in his Chancery or in his Exchequer, under certain penalty specified in them be entirely for time to come disused, and that every subject of the King be treated according to the rightful laws of the land anciently in use. Let no such writ (so ran the answer to the petition) be made except in case it appears necessary, and that at the discretion of Chancellor or Council of the King for the time being.

In 8 Henry IV ‡ the Commons drew up a list of regulations for the observance of the council which occupies several pages of the rolls. First, they entreated the king to name six councillors pleasing to God and agreeable to the people, to consult with them and retain them till the next parliament and always govern by their advice. They also endeavoured to guard against court intrigue by warning the king not to believe ill of one councillor at the suggestion of another, but to require proof failing which the accuser should be punished as an example to others. With regard to complaints carried up to the king, they were to be referred to the Council and by them to be determined by common law, i

* 2 Ric. II vid Rot. Parl. iii. 445.

† 2 Hen. IV vid Rot. Parl. iii. 471.

‡ Rot. Parl. iii. 585-9.

indeterminable. Pains and penalties were prescribed against any one, man or woman, who should abuse his influence for his own private advantage or interest. Thirdly, that the King should give to his council full authority and governance over his house and chambers and wardrobe and all other places and offices which absorbed the revenues of the kingdom. Fourthly, no one should receive gifts of the King until the next Parliament, on pain of forfeiting double their value. Fifthly, two days in the week were to be set apart for the petitions of the people, and a heavy penalty was enacted against those who procured any petition to be carried up on any other day—all to be decided by the advice of the Council. Sixthly, that the King command his council not to procure any matter to be brought before them determinable at common law, except for reasonable cause and by the advice of the Judges.

During the reign of Henry V. we find few entries on the Rolls having special reference to the Council. The mind of the nation was absorbed in the French war, and the revival of the glories which Crecy and Poitiers had thrown round the generation of their fathers. It was in this reign that the Commons again so far resigned their principles as to settle revenues on the King for life. Still, however, there is a renewal of Parliamentary protest against the Privy Council extending their extraordinary jurisdiction over cases, which properly fell beneath the cognizance of the Courts of Common Law.* The death of Henry V. and the accession of his infant heir, placed the Council once more prominently before the eyes of the nation and rendered it the centre of politics, action, and intrigue.

The Duke of Gloucester was in the kingdom and at the moment was chief of the Royal house. At no period of his life did this Prince manifest the tact, influence, and patriotism which marked the character and conduct of Bedford. Constantly intriguing at home and abroad, defiant to Parliament and of a temper the reverse of conciliatory, he was incapable of wielding any serious influence over the rival interests which strove round the throne of an infant. In the first year of this reign, a Petition† was carried up to the Duke of Gloucester relative to the

* Rot. Parl. iv. 189.

† 3 Henry V. vid: Rolls of Parliament IV. 84, vid: also Palgrave's Essay p. 48. It is from this entry that we learn that John of Waltham, Master of the Rolls, invented the subpoena—all the evils resulting from the process are set out at length and as a remedy it was proposed that any person harassed by the writ in a matter determinable at common law should have an action for damages £40 against the person suing out the writ. In 9 Henry V. there are entries of similar complaints equally fruitless.

mode of procedure before the Council. To the most honorable and puissant Prince Humphrey Duke of Gloucester, Commissioner of our Sovereign Lord the King to hold this parliament, the poor Commons of England assembled together pray that it may please your gracious worship with the assent of the lords spiritual and temporal, for the support and comfort of the said Commons to grant the following petitions.

That it be ordained by statute in this present Parliament, that no man nor woman and subjects of our Lord henceforth be taken, put or held to answer before the Council or Chancery of our said Lord the King, nor elsewhere at the suit or complaint of any person of any matter of which remedy or action is provided or done at the common Law; and that at no writ or letter of Privy Seal called writ or letter of Subpœna of our said Lord the King or of his heirs for time to come shall issue against any one at any time: to appear in the said Council, Chancery or elsewhere at the complaint or suggestion of any one, before that the complainant puts in a bill containing the whole matter of the complaint and grievance, such bill to be specially examined and approved by two justices of either bench, who shall certify that the complainant cannot have remedy or action at common law.

After certain technical regulations, the petition proceeds to specify a fine of £20 to be paid by the plaintiff, half to the King and half to the defendant, if he failed to prove his grievance. The Court was to have power to award damages to the defendant for his costs, labour and vexation. And if any writ or letter of Privy Seal shall issue to the contrary, it shall be void and of none effect. To this Petition the King gave an evasive reply, and referring to the Statute 17 Richard II. ordered that it should be put in due execution.

In 10 Henry* VI the Commons prayed that no person of whatever estate or condition may be for time to come at the suit of the King or of any one else taken or put to be examined in Parliament of any matter or thing touching his freehold or inheritance in any case. To this it was replied in words rarely heard at the present day '*Le Roi s'avisera.*' The Act of 31 Henry VI c. 2 indicates the growing insecurity of justice and the tendency of events to throw into the hands of the Council greater judicial power. 'If any writ or letters of Privy Seal be directed to any person to appear before him as aforesaid, unless he keeps the day of appearance therein stated, the Chancellor

* Rot. Parl. vol. iv. p. 403.

shall have authority to issue a writ to the Sheriff of the county where the offender resides to make proclamation for him. In case of default within a month, a Peer shall forfeit all offices, fees, annuities, and other possessions. The Chancellor would then issue another writ, and in case of default, he shall lose his name and estate of lord—all forfeitures, however, to be for the life of the offender only. Any other person shall suffer a penalty at the discretion of the two Chief Justices. But it was even now carefully provided that the Council should have cognizance of nothing determinable at Common Law.'

The various entries which we have selected may suffice to shew the temper of the Commons with respect to the Council's jurisdiction, and their jealousy in favor of the common law; and, on the other hand, it is easy to detect the inadequacy of the ordinary tribunals and the necessity of some supreme judicature. Down to the middle of the fifteenth century the difficulty increased till it was lost in a great social disturbance. The civil wars which then sprung up and raged with so much violence for a quarter of a century, have obliterated all traces of the Constitution and functions of the Council during that period. The 'Book of the Council' was discontinued from the 13 Hen VI, nor was it again commenced till late in the reign of Henry VIII.* From Edward IV to Henry VII. nothing whatever is known of its proceedings;† and the re-appointment of a clerk to register its acts and decrees leads to the inference that all formal entry of them had previously been discontinued. The wars of the Roses form a blank in English History, which separates the rigours of aristocratical influence from the tyranny of regal power: and whatever may have been the social inequality and oppression of the former, they were insignificant evils compared with the judicial persecutions and arbitrary spirit of the house of Tudor.

The well-known Act of 3. Henry VII c. 1. is of especial importance in tracing the history of the King's Council. The abuses and crimes of the Court of Star Chamber, which have rendered the name infamous in English history, have thrown back in some respects an unmerited but not unnatural odium upon the Statute which confirmed and enlarged the jurisdiction of the Council. The Council sitting in the Starred Chamber was a name well-known from the time of Edward III and associated with the trial of criminal cases, as the Whitechamber was with the trial of civil.

* 32 Henry viii.

† Sir H. Nicolas pref. to Rolls of Privy Council vol. vii. p. iii. vid: also Palgrave Essay on King's Council.

This enactment is intituled 'an Act giving the Court of Star Chamber authority to punish divers misdemeanours' which it immediately proceeds to enumerate. It was a rapid stride towards centralization, and denotes the anxiety of Government to bring its own vigilance and authority to bear directly on the maintenance of public peace—a necessary step during the demoralization consequent on the wars of the Roses. Unlawful maintenance, the giving of signs and liveries, the 'outroue demeaning of Shrevys in making of panell and other outrecol returns', the taking of money by juries, the prevalence of riots and unlawful assemblies, were the evils which the Statute avowedly sought to redress. They bore witness to widespread social disorders, whereby in the words of the Act 'the polacye and good rule of this realme is almost subdued,' and as nothing was found by inquiry* the result was that the 'Lawes of the land take litell effecte' to the encouragement of murders, robberies, perjuries and the general insecurity of life and goods. The Act therefore proceeded to give the Chancellor and Treasurer for the time being and the keeper of the King's Privy Seal, or two of them, calling to them a Bishop and a temporal Lord of the King's most honorable Council, and the two Chief Justices of the Courts of King's Bench and Common Pleas, or two other justices in their absence, upon bill or information put to the said Chancellor for the King or any other, against any person for any misbehaving afore rehearsed, authority to call before them by writ or privy seal the said misdoers and then and other at their discretion to whom the truth may be known; and such as they found therein defective to punish them after their demerit after the form and effects of the Statutes passed for that purpose in like manner as they should and ought to be punished if they were thereof convicted after the due order of law. It will hardly be denied that this discloses a state of things which called for the summary interference of the strong arm of Government. That Parliament was sincere in its endeavour to repress these disorders is clear from their immediately following up this Act by another, which after enumerating the murders which were now of common occurrence, proceeded to enforce the duties of Coroners, to compel them to hold inquests on pain of being fined, and to amerce the townships for the escape of the offender. The enlarged jurisdiction of the Council arose from the disturbances of the period, and as it acquired greater stability from lapse of time, the Court of Star Chamber which now engrossed a wide

* Kennett's History of England, vol. i. p. 594.

sphere of criminal jurisdiction was separated off from the Privy Council.

We may here quote the opinion of Lord Bacon* on the authority of the Star Chamber which he says 'before subsisted by the ancient common laws of the realm and was confirmed in certain cases by the Act of Parliament. This court is one of the safest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice, there was reserved to Chancery the prætorian power for mitigating the rigour of Law in cases of extremity by the conscience of a good man; there was nevertheless always reserved a high and pre-eminent power to the King's Council in causes that might in example or consequence concern the State of the Commonwealth which if they were criminal, the Council used to sit in the chamber called the Star Chamber, if civil in the Whitechamber, or Whitehall, and as the Chancery had the prætorian power of equity, so the Star Chamber had the censorian power for offences under the degree of capital. This court of Star Chamber is compounded of good elements, for it consisteth of four kinds of persons—councillors, peers, prelates, and chief judges. It discerneth also principally of four kinds of causes—forces, frauds, crimes of various stellionate, and the inchoations of middle acts towards crimes capital. But that which was principally aimed at by this Act was force and the two chief supports of force, combinations of multitude, or maintenance and headship of great persons.'

We have thus arrived at the era of the Council's greatest Parliamentary triumphs, which had been chiefly facilitated by the recent growth of social and political disorders, but at the same time did not contradict the tendency of its whole career. Its constant struggles for supremacy encouraged by the precedents of its early history, and the consciousness of wielding the power of the executive are the subjects of many leading dramas in our constitutional history. The question has been started whether Parliament was the aggressive party, or whether the Council was encroaching beyond limits which had been already assigned to it. It is not without its importance as a question nearly allied to the alternative between a free or an arbitrary original of our institutions. We have shewn that under the Saxon dynasties the independence of self-government was carried to the extreme of almost political disseverance. And when the Norman conquest, together with its peculiar phase of the feudal system, introduced a greater tendency to centralization and extended the powers of the *consilium ordinarium*, institutions grew out of it, whose

* Kennett's History of England, vol. i. p. 594.

interest and unceasing resolution were to assert their independence and the supremacy of common law. The Privy Council so analogous in its constitution to its predecessor the *consilium ordinarium* found in its own bosom, and in the course of events ample temptation and opportunity to press into its service the traditions which properly belonged to its predecessor, but which did not accord with the state of legal institutions in which it had found its own origin and existence. The introduction of the study of civil law into Oxford by Vacarius under Stephen, and the extensive influence of Ecclesiastical and legatine power in England under Henry III. may have led to the growth of what is now called equitable jurisdiction, but which then meant an interference with the course of those laws which the English people were unwilling to change. Although the exercise of this jurisdiction when compared with the atrocities of the Star Chamber brought with it little hardship, it jarred on another feeling which thus early was working in the national mind, and eventually burst forth with a vehemence which has not yet completely subsided. This was a feeling of hostility to every thing Roman which in Edward III.'s time encouraged by the Papal schism enabled the Sovereign to throw off the last remaining badge of political subjection, and at a later date, produced the Reformation. The same well-balanced system which has secured both Church and State from the triumph of a party, has in our laws and legal institutions established the simultaneous if not always harmonious operation of the civil code and the common law. The struggle between them has been severe, and the position of the Council was in opposition to the general sentiment then embodied in the cry still so familiar to ourselves '*nolumus leges Angliæ mutari.*'

But at the same time that the influence of national feeling and of established institutions had already set in a sort of under current against a tribunal, which tried by the strict interpretation of Statute was within the terms of the Great Charter, the rise of the third estate was introducing a still greater power. The more distinct nationality, which becomes visible at this period, was the sign of more settled equilibrium, and it very shortly became apparent that the pretensions of the Council were not altogether in harmony with the prerogative of Parliament. Parliament succeeded to the powers originally exercised by the Witenagemote. It was the grand inquest of the nation—judicial and politically. The representatives of the boroughs and counties were simply vindicating their old judicial and political independence when they claimed successively in the Great Council of the nation a control over the executive, the initiative in

legislation, and a voice in judicial proceedings. Thus its progress tended to define the power of the council in both its administrative and judicial capacities. The decisions of the council acquired infinitely greater weight when delivered in the High Court of Parliament than they possessed when given, as frequently occurred, in pursuance of its delegated authority. And although the limits, which statute imposed upon its exercise of jurisdiction, were gradual and in proportion to the growing capacity of the Commons, still those enactments, if the early spirit of the constitution can be defined by statute law, shew that that authority was not engrafted on it till the energy of constitutional liberty had drooped and society itself had lost its vigour. Trial by Jury had become the pollution instead of the safeguard of justice, and amidst the constant corruption and intimidation of jurors, special commissions to inquire into offences had been constantly* issued and necessarily armed with dangerous powers. The growing insecurity of the public must be accepted as the proximate cause of the establishment of the Star Chamber; and the high character which it at first maintained is the best argument against the charge of designing policy, which its subsequent history suggested against the extension of its power.

The real character of the Act of 3 Henry VII c. 1. as distinguished from its causes and results must be tried by reference to the principles which were successfully asserted in the Revolution of 1399. As a basis of constitutional settlement, the accession of Henry IV was almost equally important with that of William III. Though most of our present guarantees for free government are traceable to the time when the Plantagenets sat upon the throne, it cannot be denied that under their vigorous rule, there had been a strong tendency to centralize the power of Government in the hands of King and Council. In theory we know that this was otherwise. The Great Council and Parliament were both of them entrusted with the highest functions. But when the nobles were dependent for the exercise of their high privileges on royal selection, when no tenant by barony could enforce his right to a writ of summons and when those who attended possessed the double qualification of members of the Council and Peers of Parliament, the separate jurisdiction of the House of Lords could not become established as independent and supreme. The deposition of Richard II was the result of an aristocratical combination and gave to the political rights of the Upper House a more definite character. The immediate conse-

* Especially under the three Edwards.

quence of this was a fresh limitation upon the judicial powers of the government. The appellate jurisdiction of Parliament, once recognized as independent and as final, drew after it important consequences. The Commons so powerful under the Lancastrian kings were not easily to be debarred from their share in an influence so extensive, to which too they were entitled in accordance with the early spirit of the constitution. The separate functions of the two houses, the right of the one to petition, and the privilege of the other to render its assent necessary, marked out to each its peculiar share in the administration of justice. But it is impossible to mistake the new spirit and vigour which this silent acquisition threw into the proceedings of Parliament. The Commons, who in Edward III's time had shrunk as the poor mean incapable citizens from offering any advice in the conduct of affairs, now aspired to direct and control them as the faithful and discreet monitors of Government. It was this spirit which, brought to bear upon the Privy Council, effectually set limits to its jurisdiction, till in the desolation of civil war the whole balance of authority was for a time destroyed. The erection of the Star Chamber, or rather the extension of its authority by Act 3 Henry VII was in the nature of a reactionary movement against the more feudal principle which regarded the House of Lords as the supreme judicial tribunal. Nor were the maxims of the Tudor Government likely to retard the progress of this movement, while the long intermission of Parliaments during the reigns of Henry VIII and Elizabeth favoured the transfer of its powers to the Committee of the Privy Council which sat in the Starred Chamber. The Privy Council, so to speak, stole a march on the constitution, as it is impossible to justify its position by reference to its original history. The *consilium in consilio* on which Sir M. Hale insists had vanished; the Council had established its independence, and notwithstanding all the opposition it had experienced under the Lancastrian kings, it had finally triumphed over the House of Lords.

Still however Parliament succeeded in preserving one department of its jurisdiction from all encroachments of the Privy Council viz. the adjudication* of Writs of Error from the courts of law at Westminster; for the 27 Elizabeth c. 8. established the court of Exchequer Chamber on the express ground that such writs were determinable in the High Court of Parliament only, but that from the frequent intermission of its sittings, the

* Macqueen's Practice House of Lords and Privy Council, p. 668—686.

Queen's subjects had been greatly delayed and hindered of justice. The Council however drew into its own hands and never afterwards lost the exclusive adjudication of appeals from foreign and colonial dependencies of the crown and from the Channel Islands. It appears that appeals were first granted from Jersey in Henry the VIII's reign, and the records of the Privy Council of 13th May 1572 present the first instance of the exercise of this jurisdiction.

The decline of the vast political influence once exercised by the peerage—and exercised we may remember with a patriotism and sagacity which have to this day given to the aristocracy a firm hold on the national mind—had been apparent long before its effect was seen in the rise of the Star Chamber and in the Statute of Fines of 4 Henry VII. In Edward IV's reign we must infer that the appellate jurisdiction of the House of Lords was practically in abeyance, since they allowed the famous decision of the judges in *Taltarum's* case, which eventually destroyed the immunity of the nobility from forfeiture of their estates for treason, by rendering a fictitious process of law a bar upon all claims under the entail. It is impossible to believe that the peers would have failed to reverse this decision of the court below, if they had retained their former power. The Statute of Fines gave the sanction of the legislature to this bold innovation of the judges, by establishing a kindred process, and weakened still further the exclusive grasp of the aristocracy upon the landed property of the kingdom. Other Statutes* followed with a similar result; the ultimate effect of which was undoubtedly favorable to liberty, though at first the decay of aristocratic influence enhanced the prerogative of the sovereign. It is curious to observe the popular jealousy for the rights of the peerage which followed as soon as royal authority seemed to establish itself on its ruins. One of the grievances sent up to Henry VIII by some insurgents of Yorkshire was that the Privy Council was then formed† of persons of humble birth, while at the commencement of the reign there was a large proportion of nobility. Henry did not attempt to turn the charge to his own account, but immediately proceeded to plead a denial of both allegations of the complainants. 'Of the temporality

* e. g. 26 Henry VIII. c. 13 declared lands held in fee-tail to be liable to forfeiture for treason. 32 Henry VIII. c. 36 placed upon 4 Henry VII. c. 24, a construction which the judges had till then hesitated to put upon it viz. that a *fine* duly levied by the tenant in tail was an absolute bar upon him and his heirs.

† This was in 1536 vid Sir H. Nicolas *Rolls of Privy Council*, vol. vii. Preface.

there were at our accession but two worthy calling noble, the one Treasurer of England, the other High Steward of our house: others as the Lords Marney and Darcy but scant well-born gentlemen, and yet of no great lands till they were promoted by us, and so made knights and lords: the rest were lawyers and priests save two bishops, which were Canterbury and Winchester.' Henry proceeded to shew that there were at the time he was speaking 'many nobles indeed both of birth and condition' in the Council, as the Dukes of Norfolk and Suffolk, Marquis of Exeter, Earls of Oxford and Sussex, and 'that it appertaineth nothing to any of our subjects to appoint us our Council, nor will we take it so at your hands: wherefore henceforth remember better the duties of subjects to your King and Sovereign Lord, and meddle no more of those nor such like things as ye have nothing to do in.' The insurgents therefore did not gain much by their remonstrance, but it displays the idea which was working in the mind of the country. The Commons seemed to be alive to the fact that in the decay of that class feeling which had so long distinguished the feudal nobility of England from the barons of continental Europe, they had lost their securest shelter from the oppressiveness of regal power.

We cannot attempt anything more than a very hasty sketch of the rapid growth of arbitrary power under the Tudors, and of the reaction against it under the Stuarts: nor is it important to do so since under those dynasties, at least till the Restoration, the Council occupied a very forced and unconstitutional position. We must, however, recur to the Act of 3 Henry VII c. 1 to discuss the constitution of the court which it created—a subject almost as complex as the early history of the Council itself. If we bear in mind the distinction between the *consilium ordinarium*, and the Privy Council viz., that the latter was simply an executive committee, while in the former were originally vested all the different functions of public authority, we may understand that this tribunal which we call the court of the Star Chamber, though at first strictly and legally distinct from it, and erected for a specific purpose in times of great turbulence and disorder, had little in common with the proper character of the Privy Council. It was a judicial committee exercising criminal jurisdiction, and following as we have already said, the precedents of Edward III's reign, and like the courts of law and equity it could more properly deduce its parentage from the *consilium ordinarium* than from the Privy Council. We have already traced the Privy Council confident in its powers, and presuming upon circumstances usurping, on account of its

resemblance to the *consilium ordinarium*, authority which properly it did not inherit. We have seen that the Council's authority, like that of every other institution, had been obscured by the civil wars, and we have seen that the jurisdiction of the House of Lords had fallen into disuse from the intrinsic decay of the peerage. With the accession of a new dynasty a statutory recognition for purposes of public security was given to the judicial power of the old court which sat in the Starred Chamber. It engrafted it on the constitution, supplied it with definite powers, and imposed upon it responsible duties; but though its members were or might have been privy councillors, it was distinct from the body of the Council. For the next thirty years the Privy Council apparently acted over again its old systematic usurpation of judicial power. The first result was that the Act of 21 Henry VIII c. 20 added the president of the council to the judges of this court, who thus formed the connecting link between them, as the chancellor in previous times had connected the Council and the Court of Chancery. The gradual devolving of its power upon the whole body of the Council seems to have been the silent operation of Henry VIIIth's reign, and may very fairly be attributed to his personal influence and that of his minister Cardinal Wolsey. From that period ensued the crimes and tyranny which have rendered the name of Star Chamber odious in history. Yet its career was by no means singular or inexplicable. Shorn of its natural leaders, and decimated for many a long year by civil and religious strife, the English people had staggered in their race for liberty and had resigned in a moment of depression their inheritance of independent justice. The weakness of the courts of law, and the ignorance, intimidation or corruption of juries formed the ostensible excuse; but just as degenerate nations have found their persecutors in those whom they have invited as their protectors, so the experience of the sixteenth century was that private rights and social order have no security in the absence of public spirit.

We may notice, in passing, the Court of Requests, also a committee of the Privy Council, which has been entitled the poor man's court of equity; notwithstanding its encouragement of the use of torture and the rack. It is said to have taken its origin from an ordinance of 13 Ric. II: its process was issued under the Privy Seal: and it met its fate at the hands of the Judges of the Queen's Bench, who in the 41 Eliz. came to the decision that it was no court which had jurisdiction and that all its proceedings were *coram non judice*.

Turning from the judicial history of the Privy Council, we find

that its executive functions had undergone no material change. The greater part of its members* were still supposed to be in constant attendance at court, following the person of the King. They consisted of the great officers of the household, a Bishop and one of the principal secretaries. While, however, one body of the council was absent with the king, a board sat for the transaction of business in London consisting of the ex-Chancellor, the Archbishop of Canterbury, the Principal Secretary, and a few other great personages of state. The Privy Council exercised all the functions which now belong to the cabinet, but were practically responsible only to the sovereign. Henry VIII was undoubtedly his own chief Minister, and his personal energy and overbearing conduct abrogated for a while the principle of Ministerial responsibility which at one time had been completely established.

The two greatest encroachments of the council on the rights of Parliament were the levying of taxes and the substitution of proclamations for statutes properly enacted by the three estates of the realm. The former did not till the time of the Stuarts reach extravagant limits, for however careless the English people then were of private wrongs, the voice of the country was often heard in support of general privilege. But the Act of 31 Hen. VIII. c. 8, following close upon a statute† which enabled the sovereign of his own personal authority to repeal any enactment made during his reign before he attained to the age of twenty four years, was a serious innovation upon constitutional precedents. It enacted that the king and council might issue proclamations under penalty of fine and imprisonment, and that these proclamations should be equally binding on the subject with Acts of Parliament. The limitations made to this authority in favor of the subject's inheritance, offices, liberties, and goods, and also in favor of the established laws prove that the spirit of Magna Charta was not extinct, and the council's wish for the sanction of Parliament to its conduct was a tribute to the influence which it still retained.

Prerogative thus strained was not long before it felt some reaction. Under Edward VI and Mary it had evidently receded. Bills were frequently rejected which had passed the Upper House, and it now became an important part of the ministerial policy to influence the conduct of the different institutions in the choice of their representatives. Still however although this deference

* Sir H. Nicolas *Rolls of the Privy Council*, vol. vii. pref. ix.

† 28 Hen. VIII. c. 17.

was paid to the influence of Parliament, the power which the Acts of 3 Hen. VII and 31 Hen. VIII gave the council over the liberties of the people was gaining a deeper root. Arbitrary commitment to prison had been denounced as unconstitutional from Magna Charta downwards. The right of the subject to the unfettered control over his person and acts was, however indisputable, no doubt difficult at all times to maintain. But under Henry VIII there was a Parliamentary abandonment of the principle. Commitments even by a single councillor came to be frequent,* and personal freedom had no security against the oppression of a minister. The judges who under the Plantagenets had won a lasting renown as the champions of liberty and the public interest, now stood in the breach to defend the stronghold of the English constitution. Their remonstrance is preserved in the British Museum—a noble memorial of the fearlessness of their conduct; and from that time the principle that no subject of the sovereign can be imprisoned except by due course of law must have been beyond all contradiction, however much it may have been practically set at nought. The Habeas Corpus Act has rendered this immunity of the subject a chartered right—as indisputable as the principle of self-taxation. The question was unexpectedly opened up in the House of Lords on the night† of the 20th April 1831, but in a form so modified, that considering the excitement of the time, it is the best homage to the sacredness of the principle in the eyes of the legislature. In discussing a question of breach of privilege, Lord Chief Justice Tenterden gave expression to the opinion, that the two Houses of Parliament equally with the courts of law at Westminster, possessed the power of fine and imprisonment, and were invested with it to ensure the reverence which was due to the legislative council as well as to the tribunals of justice. The doctrine that Parliament as a legislative council possessed this power drew from Lord Chancellor Brougham a vehement disclaimer—‘for the character of parliament, for the sake of the country, and out of kindness to his friend he wished to set him right on a point of so much importance, and then give him an opportunity of explaining himself since he had invested the House of Commons with a power which the stoutest friend of parliamentary privilege had never before ventured to arrogate to the Common’s House of Parliament.’ Lord Brougham subsequently laid it‡ down that the House of Commons has the power of

* Hallam’s Constitutional Hist. i. p. 234.

† Hansard’s Parl. Debates 3. s. vol. iii. c. 1714.

‡ c. 1718.

commitment, but not for any certain time: they have the power to commit as a means of removing an obstruction; but the confinement of the person so committed can last no longer than the end of the session. The House of Lords, on the other hand, being a court of justice—a court of record—and even the highest court of justice, is said to have the power of committing for a time certain and of fining: but that power has been disputed by many sound lawyers, though affirmed by the King's Bench.

The effect of the Reformation on the spirit of liberty was not at first very deep. There was but little of popular passion in that movement. At first it was a political scheme, and then an intellectual success. But the idea which seemed most prominently to possess society during the last years of the Tudor reign and under the Stuarts, was that of the paramount power inherent in the abstract sovereignty of a King. Political events had favored its development, and the title of 'Defender of the Faith' gave a sort of papal supremacy to the crown. The church tasked its utmost energies to force its growth in the public mind. The doctrine of the divine right of Kings was her contribution to the imperial armoury. With this principle of submissiveness on its lips society was impelled by its own instinct, and by the silent influence of the Reformation on people's minds to disown it in its heart; but at the same time, had it not been for the excesses of the Stuart family, the recoil might have been long delayed.

The issuing of illegal proclamations by the Council under James I. was carried to a great extent. One* ordered all country gentlemen to leave London and return to their country houses, and there maintain hospitality on pain of condign punishment—others prohibited any building to be carried on within two miles of London, and like other prohibitions of a similar nature was apparently resorted to for the purpose of raising money by selling dispensations. Lord Coke had set his face against these proceedings, and also against the illegal solicitation of loans from the subject; but though uncompromising in general, the Chief Justice in this instance retracted an expressed opinion. Tenacious of the dignity of his office, and firmly attached to the liberty of the subject, he had often braved the displeasure of the Court, and at one time committed himself to a personal struggle with the Chancellor, and vigorously disputed his appellate jurisdiction after judgment at law.† Coke prosecuted the solicitors and counsel who had filed the bill in appeal from his judgment,

* Hall. Const. Hist. vol. i. p. 337 note.

† Hallam. Const. Hist. vol. i. p. 345.

the King directed that those who preferred the indictments should themselves be prosecuted in the Star Chamber.

This Star Chamber had at this time become the scene of unblushing tyranny and oppression. The private expression of opinion, the slightest opposition to the Council's measure of orthodox belief, and even a refusal of a witness to inculcate herself by her own evidence* were sufficient to call down the severest penalties. The Judges of the Star Chamber, like the barons of the Norman conquest, were inspired with an insatiable ravening for plunder, of which in these times we can hardly conceive. The addition of torture and the rack, though used comparatively with other countries, according to Lord Burleigh's benevolent proviso, 'as charitably as such a thing may,' rendered this institution at length intolerable. The struggles respecting the authority of the Council, which had slumbered beneath the vigorous prerogative of the Tudors, were again awakened, and at length the Act of 16 Car I. c. 10 abolished the Star Chamber and the whole of its cognate jurisdiction: and the civil jurisdiction of the Privy Council was declared to be a usurpation contrary to the laws of the land—a proposition, like many others made by both parties during this famous struggle, eminently unconstitutional, since though technically and historically correct, it violated four centuries of established right. We may trace the civil war quite as much to the terror and indignation of the country at the cruelty of this institution—a cruelty not peculiar by any means to the reign of Charles I.—as we are accustomed to do to the extortion of ship-money and benevolences. The principle of self-taxation was selected as the grievance of the Commons, for no principle has been so powerful on English sympathies or has commanded such universal assent. Yet in the excesses of the Restoration, the Star Chamber and the High Commission were not renewed—the strong hatred with which they were regarded could not be effaced even by the fervid loyalty of 1660.

During the quarter of a century which elapsed from the Restoration to the Revolution, the Privy Council experienced another change. We are passing from the time when State affairs were discussed and great causes decided by the King in 'Council' to a period when the Cabinet was separated from the Council, and closed its doors against the sovereign. Royal assent or command is thus no bar upon the responsibility of a minister; his function comprises both advice and execution: and though his authority is delegated from the crown, he holds its exclu-

* See Lady Shrewsbury's examination at the trial of Arabella Stuart.

sive exercise and responsibility. The Cabinet is still unknown to the law, and it arose partly from the Privy Council becoming too numerous for secrecy and dispatch, partly from the indolence of Charles II. and the tortuous foreign politics of the Cabal which precluded the regularity and comparative publicity of a full Council. The fall of Lord Clarendon sealed its fate. His object had always been to uphold its power and dignity; he had endeavoured to confine its members to those high in office and high in rank,* and thus to secure its administration of its supreme power. Charles I is said to have originated this appointment of a committee to decide upon matters of consequence before they were finally submitted to the Privy Council—a scheme which suited his ideas of regal power and anticipated to some extent opposition to his policy. Under Charles II, notwithstanding the efforts of Lord Clarendon and Sir William Temple this change gained ground; and by leading to the eventual establishment of ministerial responsibility promoted the ends of liberty. We find it stated that at one time the Archbishop of Canterbury† was always a member of the cabinet, just as the Lord Chancellor is now. The number of its members seems to have been small at first—the famous Cabal consisted only of five—while the present cabinet of Lord Palmerston at one time numbered sixteen.

Under William III this distinction of the cabinet from the Privy Council becomes more and more confirmed. A sovereign of such unrivalled administrative capacity, and whose proceedings were so often marked by secrecy and expedition, would not be readily brought to consult with a numerous body like the Privy Council, nor even, as sometimes happened even in the most important matters,‡ with the more select cabinet itself. Twelve was the usual number of the Privy Council in early times; after it had inconveniently increased, Charles II in 1679 restricted it to 30, but since that it has been indefinite.

The position in which we find the Council after the revolution was widely different from that with which we are acquainted in times previous to the Great Rebellion. Privy Councillors are still however made at the sovereign's nomination; they enter office on taking the oaths, and retain it during the lifetime of the sovereign, though removable at his pleasure. The Act of Settlement 12 and 13 William III c. 2 enacted that no one born out of the dominions

* Hallam's Const. Hist. ii p. 348 note.

† Hall. Const. Hist. ii 349 note.

‡ See note p. 350—the Partition Treaty.

of the English crown, unless of English parents, even though naturalized by Parliament, can ever be appointed to the office. The sovereign can dissolve the whole Council if he please, and appoint another, but since 6 Anne c 7 (which continued the existing council till six months after the death of the sovereign) the royal demise does not *ipso facto* determine its existence. No question respecting the jurisdiction of the Council survived the Revolution, but the narrow bounds within which it has been restrained are a striking contrast to the whole of its previous career. The only relic of the criminal jurisdiction which belonged to it at the time when it sat in the Curia Regis, is its right to examine and commit for high treason ; but the power of punishment has entirely passed from its hands. It still issues proclamations, and is called upon to meet extraordinary emergencies, and it reserves to itself the right of granting charters. These, together with its jurisdiction over the colonies, alone remain of its former authority. The consequence has been a change of feeling with respect to it. It is the natural tendency of mens' minds to look to the executive to deal with certain cases which occasionally arise, and which are beyond the reach of the ordinary tribunals and institutions of the country. This feeling or this necessity has resulted in throwing a large amount of almost irresponsible power into the hands of the Secretary of State—and some recent extra-judicial investigations have shewn that power in a light which may at any moment become of questionable utility. The present generation has witnessed an important renewal of the old functions of the Council. The 3 and 4. Will. IV c. 41. established a judicial committee consisting of the Lord Chancellor and such members of the Privy Council as shall hold certain judicial offices specified in the Act and all who previously filled the offices of Lord Chancellor, or President of the Council, and any two other members who may be appointed thereto ; three of whom, exclusive of the President for the time being, shall form a *quorum*.

The complete separation of the Cabinet from the Council has served to divert from the latter the attention of the public and almost to withdraw it from any decided influence on the course of events. The change which has made a select few, each of whom is burdened with the charge of a distinct laborious department, the channel of the exercise of the executive power, has tended oftentimes to throw a large amount of uncontrolled authority into the hands of a single Minister. The preventive voice of public opinion and the corrective hand of Parliament are sufficient to restrain its abuse, but the fact remains that at the present

moment a Minister, if supported by public opinion, can exercise an authority which in the days of Charles II. would never have been tolerated. The strong antipathy to the Privy Council has entirely faded from the public mind, and the present generation has witnessed the first attempt to re-invest it with a portion of its old judicial functions. Whether or not the appeal from a Court of Equity should lie in the last resort to the House of Lords or to the Privy Council, as a question of practical convenience, is one which may be often canvassed. As a question of constitutional propriety, the verdict of history is that the lords in Parliament acquired an appellate jurisdiction over the Courts of Equity at the time when they divested the Privy Council of the greater portion of its judicial authority. As a tribunal possessing the supreme original and appellate jurisdiction in all matters cognizable at common law, the High Court of Parliament is distinguished in history and stands on its true ground as the legitimate successor of the Curia Regis. The former it lost and never regained; but its appellate jurisdiction over Courts of Equity—the right to temper, in the language of Lord Bacon, the rigour of law by the conscience of a good man—has in the complicated state of English jurisprudence necessarily thrown the functions of the house into the hands of a select body of law Lords who would exercise their authority with increased dignity and equal weight if they sat as a separate court, as they were wont in the days of the *consilium ordinarium*.

ART. VI.—*Acts V & XIII of 1861.*

WE make no apologies for touching thus early on a measure which has been introduced into no district more than fifteen, and into some districts not more than nine months. No doubt final judgment must be suspended, not only till the publication of the first Annual Report; but further, till several years of experience shall have provided reliable grounds for a mature opinion; still, as an experiment, the results of which must be incalculable for good or for evil, the first steps are full of instructive lessons. Fragmentary as our remarks must be—some of them dealing with the theoretical principle, some with the Legislative details, and some with the practical workings of the new measure,—we yet think that such contributions to the cause of Indian Police Reform may be found useful.

Amidst the perplexities and uncertainties of the subject there is one sure standing ground. Whatever may be the shortcomings of the new system, the old Police was (we are sorry to say *is* in Bengal) about as bad as bad could be. Three generations have passed a just and decided verdict on this point. The Police were proved over and over again to be the accomplices of the Dacoits—the jackals of the Thugs. It was shown that torture was habitually made use of in the investigation of crime; that a stock of ‘confessors’ was kept ready at every Thanah,* in order that, when the wrath of the Magistrate grew high, a victim might be at all times available; that, practically, it rested with the Darogah whether crime should be reported or concealed, punished or suffered to pass with impunity; and that either event proved to him a source of unauthorised gain. Each unofficial European resident in the interior felt, to a minor degree, the evil which crushed the ryot, that every occasion on which he was brought into contact with the guardians of the peace insured annoyance to himself, and emolument to them.

In this universal bad odour of their predecessors the new Police had a most powerful auxiliary. They were sure of contrasting favorably with those with whom they would naturally be compared.

* Throughout we have preferred the use of the old names ‘Thanah,’ and ‘Darogah’ or ‘Thanahdar’ to the modern names ‘Station’ and ‘Chief Constable.’

No English prejudice was likely to be shocked by the change, because it was universally felt that no change could be for the worse. It was certain that all the confusion and delay attending the introduction of a radical reform would be forgiven, in the hope that our new protectors would not turn out to be our worst oppressors—the ministers of justice no longer remain the most irreclaimable of criminals. Despair at the existing state of things: the hope that will see no danger in any reform; the ardour of a fresh institution; all these motives united to produce a general feeling of confidence in the new force. There were some, and among them were to be found members of the Legislature, who believed that besides the negative result of securing our subjects from the tyranny of underlings there would be a positive increase in the safety of life and property. They thought, against all experience, that the system, which they fondly believed perfect, might perhaps regenerate a corrupt society, and the analogies of the English and Irish Constabulary were brought forward to justify a hope that the same absolute safeguards of order might be provided as in European kingdoms.

Such sanguine hopes were perhaps necessary to prevent men from being daunted by difficulties of the scheme. These were nevertheless great. An entirely new machinery was to be created. Few of the details of the measure had been provided by the Legislature. Arrangements originally contrived to suit a European state of things were to be introduced among a society that bore not the slightest resemblance to any thing European, and engrafted on old institutions and customs repugnant in every way to European notions. The task was to be entrusted to officers unprovided, as a rule, with a particle of local knowledge; and lastly, the sure hostility of the old native cliques was to be met.

It is known that every officer of a criminal or revenue court has his train of dependants—himself depending meanwhile on the favour of some official higher in the scale. The ryots rally round a ryot; the Mahomedans round a Mahomedan. Each official of trust or importance expects to be able to introduce some relation, connection, or friend into Government service, and even the purest of the class will intrigue heart and soul to get a member of his family into a post of some ten rupees a month. Periodically the old relationships may be broken up by some energetic Magistrate, but the passion is engrained, and periodically the family interests revive. There were many causes to induce all classes to unite in hostility to the new measure. In the first place, there was to be a change, and the idea of change

is connected with every thing most distasteful in the eyes of a native, and more especially of a native official. Old traditional and well recognized systems of corruption were sure to be broken up, and it might be long before fresh arrangements could be organized in their place. Again, it was known that a stricter discipline would be introduced; the whole force was to be drilled, and to a native whose hopes are fixed on a civil pursuit drill seems an insupportable indignity. Again, the pay of the thanadars was to be much diminished. Lastly, in some districts a rumour got abroad, in that mysterious way by which such impressions are propagated, that perhaps the Burra Sahib would not be displeased with those who resigned a service no longer under his own patronage. As if to aggravate matters, advantage was every where taken of the opportunity to make a sweeping removal of all who seemed unlikely to come up to the mark of efficiency. Instantly the alarm was taken. All who feared removal themselves all who had relations to serve; all who, having paid well for their present posts, looked for future opportunities of reimbursing themselves; all who were in the most distant degree connected with any one employed, or likely to be employed in the old Police, began industriously to propagate every kind of false and absurd reports against the new force. The highest official was to be flogged for the first offence; no dignities were to be respected; all the little appendages that mark the position of a petty official were to go as a matter of course; tattoos would be prohibited luxuries, and every one must march on foot to his duty: all who entered the force were to be ever after cut off from employment in any other line. And to such rumours was added the threat that, if any one should be so bold as to desert his clique and enlist, the support of the clique would be withdrawn from him, and that, in that case, the first accusation of corruption or extortion would be his ruin.* Thus the introduction of the Act was followed in many districts by wholesale resignations, and the interests of those who remained were wholly bound up with those who went.

Such were the hopes that attended, and such the difficulties that obstructed the introduction of the Constabulary. It is our task to enumerate—and we trust that we shall be believed when we say, in no unfriendly spirit—the errors, either in the principle

* The effectiveness of such a threat will be felt by many a district officer, who, after flattering himself that he has caught a notorious extortioner has, later on, found reason to suspect that the victim was, after all, but a scapegoat—less rather than more guilty when compared with his neighbours—but sacrificed owing to some revolt against the traditions of his clique (*bhai bund*.)

of the measure or in the practical details, which have lent additional aggravation to obstacles in any case certain.

I. The ever increasing deluge of forms, resolutions and circulars which paralyze, while they pretend to guide, the action of the District Superintendent. Time and thought that ought to be spent in actual work are spent in exhibiting results. It is always the way in India. Work is measured by waste paper, and gradually the preparation of waste paper comes to be the principal work. Young as it is, the Police Office is becoming as large and as hampered with forms as the oldest civil court. Already in each district it provides work for some two English writers and a European Assistant Superintendent or Inspector—all, be it observed, additional and *non-productive* labourers.* For Heaven's sake let economy of time and simplicity of detail be somewhat consulted. Let after thoughts cease. Can no measure, however simple, be framed for the administration of the country, but it must be made at once the text of endless explanations and comments, engulfed in a vast vortex of conflicting instructions, patched and re-patched till not a vestige of the original fabric remains visible?† If experiments must be tried, at least let the details be settled beforehand.

II. The madness—we can call it nothing less—of reducing the pay of the thanadars. It is with these men, almost the lowest in the scale, that the real power, at least for evil, rests, and must rest. A thanadar can reduce to absolute ruin any one of the seventy or eighty thousand people in his jurisdiction. He can render the lives of the numerous bad characters most comfortable or most luxuriously prosperous. For every crime produced he can produce a criminal. If the victims chance to be innocent, so much the worse for them: the accident cannot be charged to his account. Or he can, with almost equal impunity, suppress the report of the crime altogether, and even turn the chief sufferer into the chief offender. On all the occasions, in which the rulers come in contact with the ruled (and owing to the relations of a civilized government with a semi-civilized population, it is the tendency of such occasions to multiply themselves continually) he can make his power the source of

* This is as real a distinction in administrative, as in Political Economy. In both there must be unproductive, as well as productive labourers; but the aim of both sciences is to reduce the number of the former to a minimum.

† We have now a simple Penal Code and a simple Criminal Procedure. How long will they remain simple under the manipulation of the Sudder Judges?

infinite annoyance. Take, as an instance, his power over a native landowner. He can report that the village well-head is in bad repair, and in its present state dangerous, or that the Zemindar has encroached on the public road, or has sheltered a bad character, or that he has interfered with the service lands of the village watchman; and so on without end. It may be laid down as a pretty general rule that, if he refrains from exercising his power in all or any of these instances, it is only because he is paid. From a conviction of the power of abuse in the hands of such men, Indian thinkers have long held that a reform to be effectual must commence with the thanadars. Their pay and position must be raised to such a point that it will be easy to retain men of respectable family in the post. The very reverse of this has been done in the North West. The old thanadars received from 35 to 50 Rs. a month: under the new regime they have been cut down to, on an average, 20 and 25 Rs. and, what with subscriptions to Superannuation Fund, Income Tax, expense of uniform, and other items, the real amount received is not often more than from 16 to 20 Rs. The savings effected by this reduction of pay go to support an increased number of constables, and a variety of inspectors, very useful officers in their way; but no consideration whatever can justify the reduction of the thanadars to a pittance which renders corruption inevitable.

III. Too great haste at first in removing the corrupt and incompetent. Men are apt to think that on this point there cannot possibly be too great haste. They forget that the miserably small pay has rendered some degree of corruption inevitable; that it is only in degree that the practices of one can differ from those of another; and that where corruption is so widely spread, the chances are that the comparatively innocent will be made the scape-goats. They forget too that, the more uncertain the tenure of office is, the less readily will respectable men come forward, and the more anxious will those who do come forward be to enrich themselves before the blow comes. Meantime all the former tenants of these posts, and all their hangers-on are busy in depreciation of the new force, and every fresh removal adds point to their endeavours to deter men from taking office in it. When it is recollected how hard it is to persuade a native that the removal of any official was owing solely to his own shortcomings, and had nothing to do with his "kismut," it will be easy to imagine the evil caused by even the best deserved punishment while the system is yet in its infancy.

IV. The doubtful policy of establishing a staff of European Inspectors. These men, from the comparatively small amount

of pay, must necessarily be drawn from the class of adventurers. We use this term in no disrespectful sense. We simply mean it to designate men who have been either born in the country, or have come out to it with no fixed prospects except that of turning their hand to any employment that may come in their way. Disappointed Railway employes, ex-conductors in the Commissariat Department, seafaring men—members, in short, of that miscellaneous class of roving Englishmen that is yearly increasing in the country—such are the men who are glad of an Inspectorship in a new Police. They are on an average the sort of men who served or might have served in the late Yeomanry Cavalry—men who did undoubted acts of skill and daring in the mutiny—admirably adapted for a purely, or even semi-military force; but, we think we are doing them no injustice when we say, out of place in a wholly Civil Police. Indeed it is not easy to see what special object can be gained by employing them. They can, it is true, be sent round every now and then to see that the books, &c. are *en règle*; and occasionally they may with advantage be despatched on some extraordinary service, in which intrepidity rather than delicate management—instinctive sagacity rather than special training, is required. But this is all. They cannot be put in permanent charge of an outpost. The life of a half-educated Englishman in an isolated position, unsubjected to daily discipline, would, we fear, be so little edifying that he could not, without loss of prestige, be made the representative of law and order. Nor can they be employed in any more than ordinarily intricate investigation. Occasionally there would be found one man brighter than his fellows, who might be trusted to take the place of the ordinary Police in tracing out the evidence of a crime, but in the greater number of investigations required to guide the judgment of a Superintendent, they would be at once too high, and yet not high enough. Too high to be employed as detectives, for which service indeed their distinctive character as Europeans obviously unfits them, and yet not skilled enough to manage the delicate cross-examination, the nice balancing of various statements, which gradually disclose the true state of things. Take, for instance, the case of a charge of corruption preferred against a particular official. An average Inspector despatched to enquire into the facts would be liable to be imposed on by the first extravagant story*. Is it heresy to suppose that

* We could recall some laughable, and some more than laughable instances of the failure of Inspectors in such investigations, but fear the imputation of personality.

in such cases the Superintendent would prefer to be guided by the judgment of a native rather than that of a European Inspector? It comes to be a balance between the disadvantages of mental obtuseness and of moral obliquity. We put it to our readers, which of the two is, in delicate cases, most reliable; and, lest they should object that the dilemma does not exhaust all the possibilities of the case, we will ourselves forestall them by remarking that, if instead of many Inspectors we had a few more local officers, then neither alternative need be accepted. We repeat, it is only in special emergencies that the Inspectors will be found the instruments best fitted for the particular service. Would not one such special instrument be sufficient for each district? Work of some kind will no doubt be got out of them, but it at least admits of a doubt whether their services are at all commensurate with the expense of their maintenance. Would not a few additional district Superintendents be found infinitely more adapted to the object in view?

V. The mistake of abolishing all written examinations during the first enquiry by the Police. Of old when the *Gorayet* (village reporter) in his daily or periodical visits to the Thana brought intelligence of any crime, the Darogah was instructed to proceed to the spot, examine all the parties concerned, take down their evidence and that of the witnesses, draw a plan of the scene of the crime, and forward the papers with an abstract, and his own opinion to the Magistrate. This power was, of course, open to manifold abuses, and, equally of course, was, as a matter of fact, pretty generally abused. Confessions were extorted; evidence was cooked; the payment of a bribe exempted many a principal witness from being sent in to the Magistrate's Court; and we can allow that there were, on the surface, many reasons for the new rule, that on no account should the Darogahs take down the evidence of any witness, or the answer of any prisoner.* But the evils of the change are much more than a counterbalance. They force themselves naturally indeed on the mind of any one who has ever seen a 'chulan' being brought into a Magistrate's Court. Our readers may form a correct notion of a 'chulan' if they picture to themselves one or more fettered criminals, and a crowd of attendant witnesses, guarded—witnesses and all—by a Policeman in the front, and a

* We believe that, if the criminal manifests extreme anxiety to disburden his conscience, the confession may be taken down under certain precautions. Tenderness of conscience on the part of a North Western criminal is not so general as to lead us to imagine that these precautions are often put in force.

Policeman in the rear—not unfrequently indeed secured by a rope passed round the whole body. The supporters of the new system will say that this is one of the great evils they wish to obviate, their aim being to introduce a thoroughly English mode of procedure. A most excellent aim we must admit : but in England men do not hide in fields of corn or behind gooseberry-bushes, when they catch sight of a Policeman with a subpoena : in England men have not to march on foot forty miles to give evidence, and forty miles back again ; in England a witness is paid an equivalent—very generally indeed more than an equivalent—for the time spent. In a word, in England both prosecutor and witnesses are ready to come forward ; and in India they would give, and do in fact give, much to get off. In this country there is often need to guard the witnesses not less carefully than the criminals ; and, while we are thus forced to assimilate their condition in one respect, it is difficult to prevent them from coming to a most undesirable mutual understanding in another respect. Even if they are not marched off in company, and lodged at night in the same room, there are, in the intervals between apprehension and trial, never wanting opportunities for the friends of the criminal to impress his views on prosecutor and witnesses alike. It would be odd if, as the result of such a combination, the latter did not on the day of trial, profess their entire ignorance of all the circumstances in the most remote degree connected with the charge. In fact the only safeguard against such a consummation will be a record of the evidence, while the events are as yet recent, and while the neighbours are under comparatively slight temptation to conceal the facts. As it is, a most gratuitous difficulty is thrown in the way of the successful prosecution of crime by this well meant provision. The thanadars are indeed permitted, as it is with amusing naïveté provided, to record ‘for their own satisfaction’ an abstract of the evidence, but our experience of the Darogah character will not suffer us to fancy that any extended use is made of this privilege. Can any of our readers, can the Inspector General himself conceive a thanadar keeping any record for ‘his own satisfaction’? In fine, the abuses against which the provision was aimed can only be met by that increased supervision, which it is the object of this article to advocate. Every thing short of this will thwart justice, while it does not protect the subject.

VI. The non-employment of a separate force of detectives. A constabulary in India like the gendarmerie in continental Europe is intended for two distinct purposes, the repression of disorder and the detection of crime. The new Police in the North West

are, and, as far as we can see, are likely to remain, effective for the one, but nugatory for the other purpose. Indeed the experience of the Irish constabulary, the analogy of which is the mainstay of the measure, might have taught its supporters to expect this result. The Irish constables who threw Sir F. Head into such ecstasies of admiration have always been found most useful in the repression of disorder but absolutely, unavailable for the discovery of the criminal. But in Ireland, besides the regular constabulary, there is a separate, and exceedingly well paid force of detectives, and this division of labour is beginning to succeed in attaining the double purpose of a Police. There are no doubt grave difficulties in the way of applying the expedient to India. In one respect the conditions are the same. In the 'disturbed districts' of Ireland, as in the whole of India, the sympathies of the population are with the criminal rather than with the Police. In India the feeling is perhaps more apprehension of the consequences of interference than positive sympathy; nevertheless, the result is the same—an unwillingness to help in the investigation. But, if in this fact is to be seen the need of employing skilled detectives, it is on the other hand certain that, without extreme precautions, the power thus bestowed would be as shamefully abused as that given to the spies of absolutism abroad. Anything would be better than the revival of such a system as that from which part of Rohilkund suffered under a rather famous Civilian some years ago. The detective rapidly became a mere spy, but, as a spy, he was the terror of the country. He became in fact all that the ordinary thanadar ever was, and more. Our first duty is to see that those, whom we employ in the detection of crime, are not more dreaded by the population than the criminals themselves, and in comparison with this, it is but a minor duty to see that they fulfil their object of reducing to a minimum the impunity of crime. Is it however impossible to unite both objects? We believe not. As a civilized government we must endeavour, by every means in our power, to provide the same security for life and property as at home. We cannot attain this end without the employment of detectives, and these men must be subjected to the most minute supervision. Here then, as before, minute supervision is forced on us as the ultimate remedy for abuses.

VII. But, as if for the express purpose of reducing still further the limited amount of supervision before possible, the Act provides for the separation of the offices of Magistrate and Police Superintendent. This may suit English notions and English

circumstances. We will even allow that it is founded on a theory, correct enough when taken by itself, that the office of collecting the proofs of crime, and that of judging the value of these proofs when collected, should not be vested in the same officer. But paramount to all such theories is, in India, the pressing necessity of economizing our European officers by assigning to them the smallest possible jurisdictions in order that they may bring to their task the largest possible amount of local knowledge. The truth in this matter is so very plain that it might be taken as the battle-field for the cause of Indian necessities *versus* English analogies: it has been so very often acknowledged that now, when it seems the whole question is to be fought out afresh, we are more inclined to despair of Police Reform in Bengal than in the worst days of the Darogahs. We did think that it had long ago been agreed that concurrent and co-extensive jurisdictions are a mistake,* yet here we have the old foe in its worst phase again. In each district a Police Superintendent has been appointed to effect the very object for which a Magistrate had been appointed before him. He has his subordinates. So has the Magistrate. Apart from the risk of jealousies and difficulty of acting in concert—jealousies and difficulties, we may observe, that *will* be felt by the native underlings even when there is the best understanding between the chief—apart from this we say, let any of our readers try to calculate the waste of labour entailed by their double establishments. Take, as an illustration, the example of an average district in the North West containing, we will say, from 1,500,000 to 1,800,000 inhabitants. There is a Magistrate with probably from four to five subordinates, covenanted and uncovenanted, who spend one quarter of the year in moving about the circles committed to their charge. There is also a Superintendent of Police, who has to hold the strings of some thirty police stations and, however active, can only visit each of these stations for two or three days in the year. He has one European subordinate, whose time is probably wholly taken up with the details of the English office, another who acts as a sort of personal assistant, and, say, as we are speaking of an average district, two more, who are held in the leash, ready to be let

* And yet it will be recollected that, when in the Legislative Council an unreasonable doubter put this very objection to the chief frame of the measure, he was answered that, as it was so generally acknowledged that the junction of the Police and Magisterial functions was inadvisable, there could be no use in arguing the question. The true mode of meeting inconvenient objections all over the world, from household squabbles up to the administration of an Empire!

slip when anything extraordinary occurs. Want of leisure prevents the Superintendent from remaining for any length of time in any one sub-division, and although this obstacle does not apply to the European subordinates, yet, for reasons to which we have alluded already, it is doubtful whether the expedient of putting half-educated Englishmen in independent charge of out-stations would not be attended with greater harm than good. Meanwhile, the Magisterial officer is on the spot. He has acquired more or less knowledge of the criminal classes in his sub-division. He has gained by practice the indescribable knack, that local knowledge gives, of being able to judge *prima facie* whether a case is genuine or not. But he cannot be given, except indirectly, the control of the Police, and must not be allowed to collect the evidence of a crime, lest as judge of the case his judgment should be biassed. The result is that work is created for a whole extra establishment of Moonshees, writers (English or native), office keepers and others, and the utmost care is taken to prevent local knowledge from being brought to bear on the investigation of crime. The work that was before done inefficiently by one establishment is now done inefficiently by two, and fully occupies the time of both.

But our objection goes deeper than this. It is not merely that we mourn the waste of local knowledge, but that we hold it as an invariable rule, that the plenary and immediate control of all subordinates should be entrusted to the local officers. It is a part of the evil system of centralization, to which our Government stands from day to day more committed, that some medium is always interposed between the officer who is best acquainted with the facts, and the officer who is vested with full authority. In a word, a written report is thought to be a safer guide for the judgment than personal inspection. Who is so well qualified to judge of the conduct of the Police in the investigation of a crime, as the Magistrate who tries the case? and yet all control of their actions either by punishment or reprimand is carefully denied to him. It is true that he is allowed to bring the matter before the District Superintendent by entering his opinion in a column of the charge-sheet. On this we have two remarks to make. *First*, that there is, in the provision, a needless waste of time. A Magistrate has not only to make up his own mind, but—an infinitely more difficult matter—to convince another also. All the time spent by him in detailing his reasons for the condemnation of any particular practice, and all the time spent by the Superintendent in mastering those reasons, and referring to the papers filed in support of them, is so much thrown

away, and would be economized, if the Magistrate had the power of control in his own hands. *Second*, the condemnatory remarks necessarily present themselves to the Superintendent in the light of a complaint. This fact is quite sufficient to prevent anything like a free use of the opportunity. The temper of every Indian official is too much, and too necessarily, tried during the course of his daily work, to allow of the additional aggravation that would be caused, if one department was constantly occupied in criticizing the conduct of another. With the best intentions, and the utmost forbearance on both sides, an uneasy feeling of jealousy must arise, if a Police Officer were often called upon to punish his subordinates on the report of a Magistrate.

And, to take a less detailed view of the question, what, we ask, is to become of the opportunities, which, bad as it was, the old system offered to an active young officer of 'making his men'? Shall we never again see the spectacle of an Assistant or Deputy Magistrate, while engaged in his cold season camp life, taking his police underlings by the hand, and, knowing that their credit and their efficiency were intimately bound up with his own, entering with them into the more intricate investigations, pointing out the course to be pursued in all emergencies, correcting them sharply when mistaken, stirring them up when lazy, and, by his explanations and advice, giving life to the dry mass of instructions, regulations, and forms that had been set forth as their guide? Is it merely that such opportunities have been made over to the Police Officer, or have they been done away with altogether? We fear the latter. That they have been taken away from the Magistrate is, unhappily, beyond a doubt, for in India the power of training is inseparable from the power of punishing.* That they have in return been made over to the Superintendent is, at least, questionable; for such training implies close attention; and, out of his thirty stations, what minute scrutiny can a Superintendent bestow on one? It implies presence on the spot for some considerable length of time, and we have seen that a Superintendent cannot spend more than two or three days in the year in any one subdivision. It implies, above all, constant verbal admonitions; and, during all but those two or three days, the Superintendent is confined to written orders, which he feels with a sigh, even while dictating them, will be treated as matters of course, and most probably put aside. He can occasionally, when driven to extremes, launch a European Inspector at the head of the offen-

* Where, indeed, is it not?

ders, but, when the visit is past, the effect will pass too and things will return placidly to their usual round.

After this detail of the evils resulting, in our view of the matter, from the separation of Police and Magisterial powers, it is reasonable to weigh the objects which it was intended to attain. The first, a wish to assimilate Indian proceedings to an English state of things may be passed over without remark. Those who base their argument on the necessity of observing English precedents in Indian administration, are beyond our small power of persuasion. We can only wish them a happy, and speedy return to a country whose institutions they believe to be applicable to all societies, and under every kind of different conditions. A second object was, at the time, stated to be the establishment of a uniform organization, and something like military discipline, so that the force might, on an emergency, be used in repressing an *émeute*. In this aim, too, the framers of the measure were, we think, a little influenced by European analogies. Because in Europe the gendarmerie, and in Ireland the constabulary, have in view the repression of disorder as much as the detection of crime, it was therefore imagined that a similar organization was needed out here. If the Inspector General thinks that his force could be relied on in case of any general *émeute*, then, to him too we have nothing to say. We think, however, that his experience in Allahabad in 1857-1859 has taught him another lesson than this. As a matter of fact the old *burkundazes* were found quite adequate to meet any of the petty disturbances ordinarily likely to occur, and even if it should be thought advisable to infuse some Military discipline into the new force, we do not see why this should not be effected through a Civil Magistrate quite as well as under a Superintendent, whose time is, as a matter of fact, occupied to the full with office work of a purely civil nature. The chief object, however, of the measure was the alleged necessity of separating the task of prosecution from that of judgment—the impolicy of exposing an officer to be biassed in his decision of a case by his own previous exertions in tracing out evidence of the crime. We have referred to this before, and we now return to it more fully. It is certainly true that the three functions of Government Prosecutor, Judge, and Counsel for the defendant were often united in the same person. We doubt however whether, after the first novelty, any one felt himself seriously embarrassed by the incompatibility of these three offices. Practice, and the consciousness of the great interests of justice at stake, enable most men to preserve their impartiality even when they are successively called

upon to superintend the efforts to detect a criminal, to weigh the proofs thus collected, and to bring forward in as strong a light as possible the various pleas in behalf of the defendant. Indeed, would men but throw themselves heart and soul into the situation, the habit of considering all the facts brought out in a trial from these three different points of view is the most effectual training, that could be devised for the attainment of a judicial frame of mind. An energetic searcher for the truth under its various disguises is far more likely to weigh all points, than a passive recipient of varying statements as they are successively produced. Be this as it may however, the necessity, and the risk are absolutely the same—neither more nor less in any way—under the new system as under the old. The evidence produced spontaneously on the day of trial is so scanty and irrelevant, the witnesses are often so reluctant, that a Magistrate has perforce, now as before, to resort to the arts of a counsel for the prosecution to worm out the convincing proofs of the crime. The true cause of distinction between our courts and those at home was not the junction of the duties of Magistrate and Police officer, but the absence of well-trained counsel, able, as in England, to unfold all the pleas on both sides. At home a deciding officer is so sure that each party will put in their most forcible light all the facts supporting his view of the case, that he can reserve all his attention for the task of discriminating and balancing. In a word, the cross-examination of witnesses is conducted for him and not by him. Out here, on the contrary, a native 'Mooktar' is so wholly untrained in the principles of evidence, he so invariably mistakes the true issue of the case, and is so sure to miss the distinction between relevant and irrelevant facts, that, we believe, in the greater number of instances he is quietly put aside, and the cross-examination conducted in person. In this respect not the slightest change has been produced by the new measure in the practice of any Court; and as long as this continues the case, so long will the separation of Police and Magisterial functions fail to reduce whatever risk of bias there might have been of old.

The conclusion of the whole matter is this. We must narrow instead of widening the extent of jurisdiction, and give each officer plenary power in his own sub-division. If, with a centralized system, and well mapped gradation of authorities, we wish to secure the masses from the oppression of the Police, we must curb these latter at every point, and thus reduce to a minimum their utility as ministers of justice. If, with the same system, we place the certain detection of crime above all other considerations, we must allow free elbow room to

the Police, and then—with the controlling officer at a distance and overwhelmed with details—we simply hand over the population to the wicked will of the most shameless set of petty despots that the world has seen since the provincial tyrants of the Lower Empire. If, on the contrary, upsetting centralization, throwing aside the nice sub-division of labour, which in India is a bar to usefulness, we lay down, as the basis of all Police Reform, the principle that every native underling shall be exposed to the most minute supervision—*then*, we may, with comparatively little fear of abuse make over to them powers for the detection of crime, that on any other system would be assuredly turned into engines of oppression and extortion: we may allow the employment of a special class of detectives, sure that special attention can at any moment be given to their doings: we can permit a chief constable to record evidence, and, if need be, to take down confessions, because we know that every kind of abuse is rendered impossible in exact proportion to the opportunities of frequent personal investigation: In fine, we can trust our police officials, because we can be sure that, to an officer on the spot, untrustworthiness cannot long remain unknown. It may be said that no officer can remain always on the spot; and this is true. But the moral effects of a personal investigation extend far beyond the immediate occasion. A few searching enquiries every cold season—some retrospective, into the transactions of the past summer—would suffice to establish a check. A subordinate feels that he is under supervision not only when every one, but also when *some*, he is not sure which, of his many acts will be carefully examined.

Minute supervision implies minute jurisdictions. Every Magistrate, every Assistant, every Deputy should be *ex-officio* Superintendent of Police in his own circle. The extra Police establishment thus rendered unnecessary would pay for two additional officers (military if need be) in every district. We should gladly welcome a measure by which in every district a numerous staff of officers military, covenanted and uncovenanted, with separate jurisdictions but one common object, would be forced into wholesome rivalry as to the smartness and efficiency of their several establishments.

But however sound the principle on which Police-Reform in Bengal may be based, nothing will be effected without an improvement in the material. We must begin with the beginning—the *origo mali*—the Police themselves. First of all their pay must be increased. The sacrifice of a few constables in every Station, and of a European inspector here and there, would be

amply counterbalanced if the pay of each chief constable could be increased to forty or fifty rupees a month. Next, their tenure of office should be rendered as secure as possible. It should be generally understood, that frequent change of instruments is the sure mark of inefficiency in the central authority. Above all, nothing should be left undone to raise their status, now so low in the eyes of themselves, and of the people at large.

Let these suggestions be looked to when the constabulary is introduced into the Lower Provinces. Bengal may rest assured that the opinions we have here expressed, are those of nearly all the Magistrates and many of the Superintendents of the North West; and that, where such sentiments are not openly expressed, silence is caused by a laudable fear of hampering a new order of things in its infancy. If we have not ourselves imitated such scrupulous reticence, it is not assuredly that we are more wedded to the old system, but because what we consider the failings of the new Police, have now so clearly manifested themselves, that it becomes an imperative necessity to guard against the possibility of similar errors in any Province to which Reform may now be extended. If the long delay results in securing to Bengal thus much benefit from the experiment in the North West, *then*, once more, will procrastination deserve the reputation of having been, unconsciously, the most statesman-like course possible.*

* It will, we fear, seem ungracious to devote a whole article to the evils of a measure, and reserve all mention of its benefits to a foot note. Among the latter is the injunction that no policeman shall have any thing to do with impressment (*begaree*). This is in fact a whole measure of reform in itself. Of its merits in relieving a neighbourhood of its worst fears, and internal trade of its worst impediments, we cannot speak too highly. Among the minor benefits are the Superannuation Fund, which, however, too few will remain long enough in the force to enjoy, the increase in the pay of the private constables, and the admirable expedient of quartering an additional force of police on a mutinous or exceptionally criminal neighbourhood.

ART. VII.—*The Theogony of the Hindus.* By Count M. Björnstejnna. 8vo. London: Murray. 1844.

2. *Sir W. Jones's Works.* Vol. 3. 8vo. London: Stockdale, 1807.

3. *Religious Aspects of Hindu Philosophy.* By Rev. J. M. Mullens. 8vo. London: Smith, Elder & Co., 1860.

A CENTURY has passed since first the British rule began to show its superiority over the effeminate luxury that reigned supreme throughout the Courts of the Mahomedan Conquerors of India. Nearly three hundred years ago, armed with Bulls and Anathemas the disciples of Ignatius Loyala commenced their attack on the tenets of a people grovelling in heathen darkness—a people groaning under the weight of a vile superstition—the tools of a priesthood notorious alike for avarice, dissimulation, and vice. We look almost in vain over the past for any result of the presence in their midst of the worshippers of the true God.

The Astronomer gazes through the wide world of space, predicting to a moment the advent of the various phenomena of the heavens; the Geologist brings us a handful of earth, or a semi-pulverised bone, and tells us that these existed, it may be millions of ages, before man was created,—statements in themselves startling, but nevertheless undeniable truths; the Ethnologist takes in his hand a bleached skull, and, though ages have rolled away since the pulse of life ceased to throb on its whitened temples, yet with an accuracy that baffles contradiction, he defines the race to which in life it belonged; but has the antiquarian or historian been as yet able to give us any conclusive evidence as to whence sprang that awful superstition that rules, as it were with a rod of iron, the minds of the millions of India?

Sir William Jones, has attempted to adduce facts to prove that the idol worship of India was borrowed from that of Greece and Italy: but as men, totally separate from each other, nations between whom no intercourse ever existed, have worshipped similar gods under different names and forms; similarity in idolatry is

no proof that the worship of one set of idolators was borrowed from another set; the only thing that it does prove is, that the minds of such men are continually searching, as a subject of worship, some object that appears to them clothed with mystery, majesty, and awe.

Idolatry, or more strictly speaking mythology, seems to have four principal sources.

I. Historical, or natural truth has often been perverted into fable, by ignorance, or imagination, and yet more often by the cunningly devised falsehoods of a power-loving and covetous priesthood; the hieroglyphics of the old Egyptian temples, the oracular responses of the Delphian grove, the awe in which the Brahmins are held by the Hindus, all corroborate this latter supposition; and we do not hesitate to assert that it is chiefly from this source that the Theogony of the Hindus has had its origin.

The following lines of Virgil show how a natural fact, by means of imagination became perverted into a superstition that held its sway over at least two of the greatest nations the world ever saw the Grecian and Roman :

Dextrum Scylla latus, lævum implacata Charybdis
Obsidet, atque imo barathri ter gurgite vastos
Sorbet in abruptum fluctus, rursusque sub auras
Eligit alternos et sidera verberat unda.
At Scyllam cæcis cohibet spelunca latebris
Ora exsertantem, et naves in saxa trahentem.
Prima hominis facies, et pulchro pectore virgo
Pube tenus; postrema immani corpore pistrix
Delphinum caudas utero commissa luporum.

II. The next source of idolatry seems to be derived from a wild admiration of the heavenly bodies; the imagination that the sun is the most glorious of all created things has caused whole nations to bow in adoration before its resplendent orb, and to ascribe to it the honours due to a God, nay more, the altars of the sun in Mexico have reeked with the blood of seventy thousand victims, a single sacrifice to appease his imagined wrath; the untutored savage in the wilds of the forest stretches forth his hands in prayer to the sun as to a god; the more enlightened Parsee owns it as his supreme deity.

III. Numberless divinities have been created solely by the magic of Poetry—the Odyssey and Iliad of Homer, and the Ramayana of the Hindu are undeniable proofs of this; in almost every play of Æschylus we have a deity as the unraveller of the

mystic plot. Horace ever fertile in addresses to the heathen deities, thus invokes *Diana* ;

Montium custos nemorumque, Virgo,
Quæ laborantes utero puellas
Ter vocata audis, adimisque leto,
Diva triformis ;
Imminens villæ tua pinus esto,
Quam per exactos ego lætus annos
Verris obliquum meditantis ictum
Sanguine donem.

IV. The metaphors and allegories of moralists and metaphysicians have also been very fertile in deities ; Plato, Cicero, and *Homer teem with proofs of this ; in Indian mythology we have ‘ *Maya* ’ represented as the mother of universal nature, and of all the inferior Gods.

The modern Hindu is but a bad model of his predecessors ; he has sadly degenerated from the majesty and pride of his forefathers ; he has lost all their nobler spirit, and inherits only their superstitions and vices. If we consult history we shall find that the five principal nations, who in different ages divided amongst themselves the mighty continent of Asia, with the many Islands depending on it are the Hindus, the Chinese, the Tartars, the Arabs, and the Persians ; of these nations our attention will be fixed only on the first ; of these five nations not one has borrowed its religious tenets from the other ; idol-worship of almost every form may be found amongst them, yet the form of worship of each is perfectly distinct from those of the others ; this goes far to support our supposition that the idolatry of the Hindu is not borrowed from that of either the Greek or Roman. In describing the people of India Mr. Lord thus remarks, ‘ A people presented themselves to mine eyes clothed in linen garments somewhat low descending, of a gesture and garb, as I may say, maidenly and well nigh effeminate, of a countenance shy and somewhat estranged, yet smiling out a glozed and bashful familiarity.’ Mr. Orme, the Historian of India, observes of the same people—‘ this country has been inhabited from the earliest antiquity by a people, who have no resemblance, either in their figure, or manners with any of the nations contiguous to them,’ and that ‘ although conquerors have established themselves at different times in different parts of India, yet the original inhabitants have lost very little of their original character.’ Though now degraded and abased, yet we cannot doubt that there was a time when the Hindu race was splendid in arts and arms, happy in government, wise in legislation, and eminent in knowledge ; their fall

is in a great measure attributable to the immense hold the priesthood has had over their minds, gained by means of superstition and Idolatry. Their original language, the Sanscrit, surpasses every language save the Hebrew in its wonderful structure; more refined than Greek, more copious by far than Latin. That the Hindus were in former times a commercial people we have every reason to believe,—the labours of the Indian loom have been universally celebrated, silk has been fabricated immemorially by the Hindus. We are also told by the Grecian writers that the Indians were the wisest of nations, and in metaphysical wisdom they were certainly eminent: in astronomy and mathematics they were equally well versed; this is the race who Dionysius records—

- ‘ First assayed the deep,
- ‘ And wafted merchandize to coasts unknown.
- ‘ Those, who digested first the starry choir,
- ‘ Their motions marked, and called them by their names.

But now how fallen, all their splendour gone, their once renowned energy for ever fled, of all that graced their nation not one relic left.

We now come to the chief subject of our article ‘the Gods of India,’ of whom we shall be able to give but a brief sketch, inasmuch as a full account of each of them would require a separate volume; but we hope that, from the little we may say in regard of them, we shall be able to convince our readers, that the Mythology of the Hindu is one not borrowed from that of any other nation.

We begin with Ganesa, the god of wisdom, who is represented with an Elephant’s Head, the symbol of sagacious discernment, and attended by a favourite rat, which the Indians consider a wise and provident animal; all sacrifices and religious ceremonies, all addresses even to superior gods, all serious compositions in writing, and all worldly affairs of moment are begun by pious Hindus with an invocation to Ganesa, a word composed of Isa, the Governor or Leader and Gana a company of Deities, nine of which companies are enumerated in the Amarcosh. M. Sonnerat represents this Deity as highly revered on the Coast of Coromandel; ‘where’ says he, ‘the Indians would not on any account build a house, without having placed on the ground an image of this deity, which they sprinkle with oil and adorn every day with flowers; they set up his figure in all their temples, in the streets, in the high roads, and in open plains at the foot of some tree; so that persons of all ranks may invoke him, before they undertake any business, and travellers worship him before they proceed on their

'journey'. It has been attempted to be proved but with little success that this deity was the same as that worshipped by the Romans under the title of 'Janus,' the supposition being founded on the following couplet taken from Sulpitius.

'Jane pater, Jane tuens, Dive biceps, Biformis,
O cate rerum sator, O principium Deorum !

It is only in the words 'Principium Deorum' that there is even the shadow of similarity ; but similarity, as we before stated, is in idolatry no proof that the gods worshipped are the same.

Menu or Satyavrata, whose patronymic was Varvaswata, 'Child of the Sun,' has in like manner been compared with the God Saturn of the Romans, but with as little success. This Hindu Deity, Menn, was believed to have reigned over the whole world in the earliest time, but to have resided in the country of Dravira on the coast of the Eastern Indian Peninsula ; the following narrative of the principal event in his life is taken from the Bhagavat, and is the subject of the first Purana, entitled that of the Mutrya or Fish.

'Desiring the preservation of herds, and of Brahmans, of genii and virtuous men, of the Vedas, of law, and of precious things, the Lord of the Universe assumes many bodily shapes ; but, though he pervades, like the air, a variety of beings yet he is himself unvaried, since he has no quality subject to change. At the close of the last Kulpa, there was a general destruction occasioned by the sleep of Brahmá ; whence his creatures in different worlds were drowned in a vast ocean. Brahmá being inclined to slumber, desiring repose after a lapse of ages, the strong demon Hayagriva came near him, and stole the Vedas, which had flowed from his lips. When Heri the preserver of the universe, discovered the deed of the Prince of Danavas, he took the shape of a minute fish, called Sap'hari. A holy King, named Satyavrata, then reigned, a servant of the Spirit, which moved on the waves, and so devout that water was his only sustenance. He was the Child of the Sun, and in the present Kulpa is invested by Narayan in the office of Menu by the name of Sraddhadeva or the God of Obsequies. One day as he was making a libation in the river Kritamala, and held water in the palm of his hand, he perceived a small fish moving in it. The King of Dravira immediately dropped the fish into the river together with the water, which he had taken from it, when the Sap'hari thus pathetically addressed the benevolent monarch ; "How canst thou O King, who showest affection to the oppressed leave me in this river water, when I am too weak to resist the monsters

"of the stream, who fill me with dread?" He not knowing who had assumed the form of a fish, applied his mind to the preservation of the Sap'hari, both from good nature, and from regard to his own soul; and having heard its very suppliant address, he kindly placed it under his protection in a small vase full of water; but in a single night, its bulk was so increased, that it could not be contained in the jar, and thus again addressed the illustrious Prince; "I am not pleased with living miserably in this little vase; make me a large mansion where I may dwell in comfort." The King removing it thence, placed it in the water of a cistern; but it grew three cubits in less than fifty minutes, and said; "O King, it pleases me not to stay vainly in this narrow cistern; since thou hast granted me an asylum, give me a spacious habitation." He then removed it, and placed it in a pool, where having ample space around its body, it became a fish of considerable size. "This abode, O king! is not convenient for me who must swim at large in the waters; exert thyself for my safety; and remove me to a deep lake"; thus addressed, the pious monarch threw the suppliant into a lake, and when it grew of equal bulk with that piece of water, he cast the vast fish into the sea. When the fish was thrown into the waves, he thus again spoke to Satyavrata; "here the horned sharks, and other monsters of great strength will devour me; thou shouldst not, O valiant man, leave me in this ocean." Thus repeatedly deluded by the fish, who had addressed him with gentle words, the king said; "who art thou that beguilest in that assumed shape? Never before have I seen or heard of so prodigious an inhabitant of the waters, who like thee, hast filled up, in a single day, a lake a hundred leagues in circumference, surely thou art Bhagavat, who appearest before me: the great Heri, whose dwelling was on the waves; and who now, in compassion to thy servants, bearest the form of the natives of the deep. Salutation and Praise to thee, O first male, the Lord of Creation, of preservation, of destruction! Thou art the highest object, O Supreme Ruler, of us thy adorers, who piously seek thee. All thy delusive descents in this world give existence to various beings; yet I am anxious to know, for what cause that shape has been assumed by thee. Let me not, O Lotus-eyed, approach in vain the feet of a deity, whose perfect benevolence has been extended to all; when thou hast shewn us to our amazement the appearance of other bodies not in reality existing, but successively, exhibited." The Lord of the Universe, loving the pious

man, who thus implored him, and intending to preserve him from the sea of destruction, caused by the depravity of the age thus told him how he was to act. "In seven days from the present time, O thou tamer of enemies, the three worlds will be plunged in an ocean of death: but, in the midst of the destroying waves, a large vessel, sent by me for thy use, shall stand before thee. Then shalt thou take all medicinal herbs, all the variety of seeds; and, accompanied by seven saints, encircled by pairs of all brute animals, thou shalt enter the spacious ark and continue in it, secure from the flood on one immense ocean without light, except the radiance of thy holy companions. When the ship shall be agitated by an impetuous wind, thou shalt fasten it with a large sea serpent on my horn for I will be near thee; drawing the vessel, with thee and thy attendants. I will remain on the ocean, O chief of men, until a night of Brahma shall be completely ended. Thou shalt then know my true greatness, rightly named the supreme Godhead; by my favour, all thy questions shall be answered, and thy mind abundantly instructed." Heri, having thus directed the monarch, disappeared; and Satyavrata humbly waited for the time, which the ruler of our senses had appointed. The pious King, having scattered towards the East the pointed blades of the grass Durbha, and turning his face towards the North, sat meditating on the feet of the God, who had borne the form of a fish. The sea overwhelming its shores, deluged the whole earth; and it was soon perceived to be augmented by showers from immense clouds. He, still meditating on the command of Bhagavat, saw the vessel advancing, and entered it with the chiefs of Brahmans, having carried into it the medicinal creepers, and conformed to the directions of Heri. The saints thus addressed him; "O King, meditate on Cesava; who will surely deliver us from this danger, and grant us prosperity." The God being invoked by the monarch, appeared again distinctly on the vast ocean in the form of a fish, blazing like gold, extending a million of leagues, with one stupendous horn; on which the king, as he had before been commanded by Heri, tied the ship with a cable made of a vast serpent, and, happy in his preservation, stood praising the destroyer of Madhu. When the monarch had finished his Hymn, the primeval male Bhagavat, who watched for his safety on the great expanse of water, spoke aloud to his own Divine essence pronouncing a sacred Purana which contained the rules of the Sank'hya philosophy; but it was an infinite mystery to be

'concealed within the breast of Satyavrata; who sitting in the vessel with the saints, heard the principle of the soul, the eternal Being proclaimed by the preserving power. Then Heri, rising together with Brahmá, from the destructive deluge, which was abated slew the demon Hayagriva, and recovered the sacred books. Satyavrata instructed in all divine and human knowledge, was appointed in the present Kulpa by the favour of Vishnu, the Seventh Menu, surnamed Vaivaswata; but the appearance of a horned fish to the religious monarch was Maya or delusion; and he, who shall devoutly hear this important allegorical narrative will be delivered from the bondage of Sin.' In the foregoing narrative we have the story of the universal deluge, as described in the book of Genesis, and referred to by both Greek and Roman authors; though in the language of allegory, it is in itself very important, as it fixes the probable date, from which Hindu mythology actually begins.

We next come to Indra, the King, and the resemblance between this deity and the Jupiter of the Romans is in some instances very striking, and would almost lead us to suppose that it was the same deity under a different name, but yet the similarity ceases where we should have expected it to be strongest, inasmuch as he is not the 'maximus Deorum' in the Hindu Mythology, being far inferior to the Indian Triad, Brahmá, Vishnu, and Mahadeva; and therefore not entitled to the epithets of Magnus, Divus, Ultor, as regards his destroying power, nor yet to the appellations of Conservator, Soter, Opitulus, Altor, and Ruminus, in connection with his creating and preserving power.

It must always be remembered that the learned Hindus, as they are instructed by their own books, in truth acknowledge only one Supreme Being whom they call Brahma, or the Great One, in the neuter gender; they believe his essence to be infinitely removed from the comprehension of any mind but his own; and they suppose him to manifest his power by the operation of his divine spirit, whom they name Vishnu, the Pervader, and Narayan, or moving on the waters, both in the masculine gender; whence he is often denominated the first male; and by this power they believe, that the whole order of nature is preserved and supported.

That water was the primitive element, and first work of the creative power, is the uniform opinion of Hindu philosophers; Menu the son of Brahmá, is asserted thus to have addressed the sages, regarding the creation of the world; 'This world was all darkness, undiscernable, undistinguishable, altogether as in a profound sleep, till the self-existent invisible god, making it manifest with five elements, and other glorious forms, perfectly dispelled

'gloom. He desiring to raise up various creatures by an emanation from his own glory, first created the waters, and impressed them with a power of motion, by that power was produced a golden egg, blazing like a thousand suns, in which was born Brahmá, self-existing, the great parent of all rational beings. The waters were called Nara, since they were the offspring of Nara (or Jawara) and thus was Narayana named, because his first ayana or moving was on them. That which is, the invisible cause, eternal, self-existing, but unperceived, becoming masculine from neuter, is celebrated among all creatures by the name of Brahma. That god having dwelt in an egg, through revolving years, Himself meditating on Himself, divided it into two equal parts; and from these halves formed the heavens and the earth; placing in the midst the subtle ether, the eight points of the world, and the permanent receptacle of waters.'

Here we have no borrowed deity; the power of Jupiter, like the mist before the refulgent orb of day, vanishes before the stern majesty of Brahma, the honours paid to Jove are as baubles to those offered to the egg-born god, at whose awful shrine priest and people bow in blind superstition. It is by traditions such as these that the Brahminical priesthood have gained their supremacy over the millions of India.

We now come to the two great incarnate Deities of the first rank, Rama and Krishna.

Rama, is believed by the Hindus to have been an appearance on earth of the preserving power, to have been a conqueror of the highest renown, and the deliverer of nations from tyrants, as well as of his consort Sita from the Giant Ravana, King of Lanka, and to have commanded in chief a numerous and intrepid race of those larger monkeys denominated Indian Satyrs; his general the Prince of Satyrs, was named Hanaman, or with high cheek bones; with such agile workmen, he soon raised a bridge of rocks over the sea, (as described in the Iliad of India the Ramayan,) part of which the Hindus assert remains to this day: these large monkeys are yet held sacred by the Brahmins and others, who travel long distances with offerings of food and fruit, to the places which they inhabit.

The second great incarnation, Krishna, passed a life of a most extraordinary, and incomprehensible nature. He was the son of Devaci by Vasudeva; but his birth was concealed, through fear of the Tyrant Cansa, to whom it had been predicted that a child born at that time in that family would destroy him; he was fostered by a herdsman named Ananda, or Happy, and by Yasoda the wife of Ananda. That sect of Hindus

who adore Krishna with enthusiastic, and almost exclusive devotion, have broached a doctrine which they maintain with eagerness, and which seems to be pretty general, viz: that Krishna was distinct from all the avatars,—that they had only a part of his divinity, while he was Vishnu himself in human form.

Such then is a very imperfect sketch of the principal deities of the Hindu mythology, to describe all, such as Ganga, Sureja, Nareda, Kali &c. would fill volumes; we will now examine briefly the philosophy of the Hindu Schools adduced from this motley assemblage of idol gods; 'their idols are silver and gold the work of men's hands. They have mouths, but they speak not; eyes have they, but they see not. They have ears, but they hear not; noses have they, but they smell not; they have hands, but they handle not; feet have they, but they walk not; neither speak they through their throat; they that make them are like unto them; so is every one that trusteth in them.'

'There is only one God, Brahma, omnipotent, eternal, omnipresent, the great soul, of which all other gods, are but parts'; thus begins the Vedas, the Bible of the Hindus, and on this doctrine is based the whole of the religion of the Brahminical priesthood; they firmly believe in the immortality of the soul, a belief which places them far in advance of any other race of idolaters; the following quotation taken from the Vedas, proves without doubt that a nation holding the doctrine inculcated therein, could not have borrowed its tenets from the philosophers of either Greece or Rome; 'O Ruler! we wish to know how the soul is united with the body; how the world was created; how the soul comes into conjunction with the divine; what is the magnitude and measure of the universe, of the sun, the moon, the stars, and the earth; and what is the end of all?' Here are propositions, not philosophical like those stated by Cicero in his 'De Senectute' or in his 'Questiones Tusculanæ;' but still indicative of an anxious enquiry into a future state.

Brahminism is now divided into several branches, each of which has many sub-divisions.

The following are the three principal branches; 1st, Vedantism, so named after the Vedanta of Vyasa. It has few adherents, consisting of some philosophical Brahmins. Of the thousands of temples in India consecrated to various deities, only one is consecrated to this doctrine, in which Brahma is worshipped alone.

2nd, Vishnuism; this doctrine raises the second person of the

Hindu Triad (Vishnu) to the highest place, and adores his different avatars, together with a multitude of other deities, powers of nature, and mythical persons. Its professors are styled Vaishnavas.

3rd, Sivaism; this doctrine places the third person of the Hindu Triad (Siva) highest in the rank of the Gods. The professors of this doctrine call themselves Saivas and their number amounts to many millions more than the professors of Vishnuism. Although Seva is the God of Destruction, he is also the God of Production, considered with respect to the idea, which ever pervades the doctrine of Brahma, namely, that death is but the re-commencement of a new life.

The Hindu system of Philosophy termed Sankhya, was apparently the earliest of all the systems that preceded the really Philosophic age of the Hindu Schools. Its author is said to have been Kapila, who is asserted to have been a son of Brahmá, and an incarnation of Vishnu; he is numbered among the seven great saints, and many marvels are ascribed to him. While using Vedic notions, he in the main departed from Vedic theories, and in all important particulars comes to conclusions diametrically opposed to what the Vedas teach.

The Sankhya system contains two grand divisions, which differ on the vital question of the existence of a God; one is termed the 'Seswara Sankhya' that which owns a God; the other is called 'Niriswara Sankhya' or that which denies the very existence of a God; the latter was Kapila's system; a system at that time entirely new; it taught that there were two primary agencies, 'nature or matter' and 'Souls'; but that there was no 'supreme being.' He asserts as follows; 'Souls have existed in multitudes from eternity, by their side stands nature or matter; for eternal ages the two remained separate; at length they became united, and the universe in all its forms was developed from their union.'

The object of the Sankhya, as well as of the other branches of Hindu Philosophy, is the removal of human pain by the final and complete liberation of the individual soul. The Sankhya system has twenty-five principles to which the soul must apply itself as objects of knowledge, and in respect to which true wisdom is to be acquired. They are;

1st.—Nature, termed 'Pradhan' or chief, from being the universal material cause, the prime cause of all things.

2nd. Intelligence, the first product of nature, increate, prolific, itself productive of others.

3rd. Self-consciousness, its peculiar function is the recognition

of the Soul in its various states; it is the product of Intelligence, and itself produces.

4th.—8th. Five principles, subtle particles or atoms of things. These are imperceptible to the gross senses of human beings, but may be known by superior intelligence; then follow—

9th.—19th. The organs of sense and action, of which ten are external and one is internal. The organs of sense are five; the organs of action are five. The mind serves both for sense and action.

20th—24th are five elements produced from the five subtle particles;

1st, Ether, this has the property of audibleness, being the instrument of sound.

2nd, Air which has two properties; it is audible, and it can also be touched.

3rd, Fire; this has three properties, audibility, tangibility, and colour.

4th, Water; possessed of four properties, audibility, tangibility, colour and taste.

5th, Earth; possessed of five properties, audibility, tangibility, colour, taste and smell.

25th. The last principle is Soul: like nature it is not produced but is eternal, but unlike nature it produces nothing from itself; it is multitudinous, individual, sensitive, eternal, immaterial.

The great error then that lies at the root of this Sankhya system is, that the products of matter and mind are blended and confounded together.

The next system is that attributed to Gautama, namely, the Nyaya system, which considers by means of subtle and logical argument, the true mode of inquiring after Truth; and has surveyed the whole field of this argument more exactly and completely than any other of the Hindu systems.

The first inquiry of this system is 'what is the way to attain perfect beatitude?' and the answer given is 'That that deliverance is only to be secured by a knowledge of the Truth.'

It then proceeds to examine what instruments are best adapted for the acquisition of that deliverance, and comes to the conclusion that they are four in number, namely, perception, inference, comparison and testimony.

It then minutely examines the various objects of knowledge, which are required to be proved and known; which objects are twelve in number: soul, body, sense, object, knowledge, the mind, activity, fault, transmigration, fruit, pain and beatitude.

We now come to the Vedantic system, which makes its

appearance in three stages of development. The germs of this philosophy and even its principal doctrines are contained in the Brahmanas of the Vedas; then it is seen in a more complete form in the Sutras of Vyasa; and lastly, this philosophy is recorded in the great commentaries which eminent scholars have written upon the original authorities.

The voice of Hindu antiquity ascribes the origin of the Vedantic system to the sage Badarayan, otherwise named Veda-Vyasa. The manner of his birth is thus described in one of the works attributed to him, 'the Mahabharat;' 'His father Parasana Muni, struck with the beauty of a fisherman's daughter on the banks of the Yamuna, conveyed her to an island in the river, which he produced for her residence; and there a son was born to them; from his birth-place, and his dark complexion, he was called "Krishna-dwaipayana" "the dark islander." From the time of his birth he became, like Yajna-walkya, and other great scholars, an ascetic in the woods. All his time was spent in the practice of religious austerities, and in meditation on religious subjects.'

'By the force of his meditations, Vyasa attained astounding wisdom, and prepared within his mind an immense array of Hindu learning; as he was reflecting on a proper person to aid him in writing it down Brahma appeared, and advised Ganesa to be sent for. The God of Wisdom therefore became his Secretary, and amongst the works which he dictated, forth came the Mahabharat.'

The Vedanta has one great advantage over all the other systems of Hindu Philosophy, in that it is able to appeal for its authority to another class of works more ancient than the Sutras, and forming a part of the Vedas, the sacred testimony of the Hindu belief.

'The name Vedanta,' says the Vedanta Sar, 'applies to the arguments of the Upanishads, also to the Saririk Sastras, and other shastries auxiliary thereto,' it is also defined 'as the system by which may be obtained the knowledge of Brahma.' The aim of the system is to show the unity between the sentient souls of individual men, and Brahma, the great soul in its pure state. There are three classes of passages contained in the various Vedantic authorities, which teach the perfect identity between Brahma and the universe; that is the doctrine of Pantheism; numerous passages and expressions most strongly imply it, and numerous illustrations are employed to explain it.

The doctrine of Pantheism is directly taught in passages such as the following; 'Brahma is the substance of the universe; for so the propositions in the Vedas, and their illustrations require'

(Sutras 1, 4, 23). 'Nothing exists but He' (Sutras 3,2,29). 'I am the sacrifice; I am the worship; I am the drug; I am the incantation; I am the fire; I am the incense;' (Gita IX) 'Fire is that original cause; the sun is that; so is air; so is the moon; such is that pure Brahma; and those waters; and Prajapati—it is he who is in the womb; he who is born; and he who will be produced.'

Such then is a brief sketch of the principal Philosophical systems of the Hindu Schools; systems that confound mind with matter, that at one time surround the Deity with beatific honours; and at another bring him lower than the works of his own creative power; let us cursorily glance at the errors taught by these wide-spread, and ancient systems.

In the Sankhya system we have five Doctrines. 'The denial of the existence of a God;' this fact of the Sankhya belief is argued most logically, and in strict accordance with the most approved method of modern secularism, namely, the doubting the sufficiency of evidence which is offered to prove His existence.

'Matter is eternal in man,' all realities by the Sankhya doctrine are included, as before stated, within twenty-five principles, of which twenty-four, not including Soul, as that stands apart from all the rest, are reducible to one, and that one is intellect; but intellect is traced up to nature, therefore nature is eternal: 'From the want of a root in a root, the root of all is rootless.' This then is the end of the Sankhya system, but it is further added, 'even if there be a succession of causes there is a halt, at some one point; and so it is merely a name;' but this 'one point' of this system is nature or matter, which therefore is the root of all.

'Soul is eternal,' 'Soul is distinct from body, and from Nature, for it does not possess the three qualities, by which they are marked in all their forms' (Sutra 142) 'Soul superintends nature' (Sutra 143) 'Soul is the enjoyer of every thing' (Sutra 144) 'Since light does not pertain to the unintelligent, it must pertain to the essence of Soul; which while self-manifesting, manifests also whatever else is perceptible (Sutra 146). There cannot be liberation where there is alteration; and alteration must take place where there are qualities and susceptibilities.' But the Soul, according to this doctrine, is devoid of qualities, so it has no alteration, therefore it is free; but it advocates Soul not as one single object, or attribute, but as multitudinous. 'It is absurd,' says Kapila 'to think that Souls can be one;' and again in Sutra 150; 'From the several allotments

‘of birth and death, a multiplicity of Souls is to be inferred.’

‘Transmigration of Souls;’ the fact of Transmigration none of the systems dispute, it is allowed by all; ‘as a man casts off his old garments, and puts on new ones, so the soul having left its old mortal frame, enters into another which is new.’ ‘One Soul, and not another, is born, there may be various unions of one Soul, according to the difference of receptacle; as the ether may be confined in a variety of vessels.’ ‘Life is the combination of Soul with the pains incident to the body, not any modification of the Soul itself; Death is the abandonment of those bodies, not the destruction of the Soul.’ The Soul remains unchanged through all its migrations into various forms, until its final liberation; it is the disguise which is changed, not the agent who wears it.’ This doctrine of metempsychosis seems to have been very wide-spread in both the Grecian and Latin Schools of Philosophy; the Egyptians, the Pythagoreans, the Platonists, all held the doctrine of the migration of the Soul among various bodies; Horace in allusion to the current story of Pythagoras and Empedocles thus writes, first in Book I. Ode 28.

‘Te maris, et terræ numeroque carentis Arenæ
 ‘ Mensorem cohibent, Archyta,
 ‘ Pulveris exigui prope littus parva Matinum
 ‘ Munera; nec quicquam tibi prodest
 ‘ Aërias tentasse domos, animoque rotundum
 ‘ Percussisse polum, morituro.
 ‘ Occidit, et Pelopis genitor, conviva deorum;
 ‘ Tithonusque remotus in auras,
 ‘ Et Jovis arcanis Minos admissus: habentque
 ‘ Tartara Panthoiden, iterum Orco
 ‘ Demissum; quamvis clypeo Trojana refixo
 ‘ Tempora testatus, *nihil ultra*
 ‘ Nervos atque cutem morti concesserat atræ.

and again in the Epistles Book I. 12.

‘Empedocles, an Stertinium deliret acumen’
 ‘Verum seu pisces, seu porrum, et cæpe trucidas,
 ‘Utere Pompeio Grospho.’

‘The doctrine of Fate.’ This doctrine attributes all the pain, the gloom, the misery and the happiness of human life, to the connection of Soul with nature; and all these feelings it asserts are the natural offspring of tendencies of things, of the dispositions with which the individuals have been endowed; moreover that these dispositions originated with the creation, or more strictly speaking, with the first structure of the subtile bodies

from nature; therefore, by this mode of reasoning it is clearly established, that all the misery or happiness, and the conduct of each individual Soul has resulted naturally and from necessity by means of these innate dispositions; this then is the basis of the doctrine of Fatalism; a fatalism devoid of a ruling power, inasmuch as the Sankhya philosophy denies the existence of a god; a fatalism that rules by necessity the souls of Creator, and created; this doctrine was also held by the ancients, we may in support of this quote the following lines of Virgil, *Æneid* Book II. 650:

‘Talia perstabat memorans, fixusque manebat.
 ‘Nos contra effusi lacrymis, conjuxque Creusa,
 ‘Ascaniusque, omnisque domus, ne vertere accum
 ‘Cuncta pater, fatoque urgenti incumbere vellet.
 ‘Abnegat, inceptoque et sedibus hæret in isdem.’

In the Vedantic System we also have five doctrines; three of which are the same as those already referred to in the Sankhya system; namely, ‘Soul is eternal;’ ‘the doctrine of Transmigration;’ ‘the doctrine of fate;’ the remaining two are—

1st, ‘God is identical with matter,’ or ‘the whole universe is Brahma.’ ‘This spirit is every where; he is in the heavens; he is in the wind; he is Agni; he is in the earth; he is in the Soma Juice; he is in the pitcher of the Sacrifice; he is in men; he is in the Gods; he is in the ether; he is the productions of the water; he is the productions of earth; he is Om; he is the productions of mountains; he is unchangeable and vast;’ (*Katha* १. 2)

‘He is the ear of the ear; the mind of the mind; the speech of speech; the life of life; the eye of the eye. (*Tal.* 2)

‘He dwells in all space. He pervades the mind, and rules over life and body; he is in the body close to the heart.’

‘The perfect one with a thousand heads, a thousand eyes, and a thousand feet; pervades the earth and the illimitable universe.’ ‘On me is the universe suspended like pearls on a string.’ (*Gita*, VII) All these illustrations bring us to the end of this doctrine, namely, that the author of creation (Brahma) is of the same substance, as the substance and material of his creation, or, in other words, it is the doctrine of Pantheism.

2nd, ‘God is identical with the Human Soul’ or, ‘the human soul is Brahma.’

One of the most striking modes in which this doctrine has been laid down, is in the following passage taken from the *Brihad-aranyaka*; ‘Man is indeed like to a lofty tree; his hairs are the

'leaves, and his skin the bark. From his skin flows blood, like juice from the bark; it issues from his wounded person like juice from a stricken tree. His flesh is the inner bark, and the membrane, near the bones, is the white substance of the wood. If then a felled tree spring anew from the root, from what root does mortal man grow again, when hewn down by death?' That root by means of very deep and logical reasoning is shown to be *Brahma*.

In the *Artureya*, we have a full description as to the manner in which *Brahma* entered the Human Body, in order to make it his abode. After a long and not at all uninteresting dissertation aiming to show how it was, that he could not enter by any of the natural openings of the body, it is asserted as a fact that admits of no doubt whatever, that he entered by one of the joints of the plates in the skull, descended an artery, and took up his abode in the heart; his size, being made to correspond with the dwelling, is stated to be the size of a man's thumb. 'The perfect one of the size of a thumb only, abides in the centre of the Soul.' It naturally follows therefore that the soul in which *Brahma* is enthroned must partake of his divine attributes. 'That soul is without faults; devoid of old age; without death; without sorrow; without hunger and thirst; true in its desires; true in its will.'

'It is not born, neither does it die; it has not proceeded from any; nor has it been changed into any; nor does it perish when the body dies.'

'It is constant, capable of going anywhere, immovable, eternal; it is inconceivable, invisible, unalterable. The sword cannot cleave it; fire burns it not; water cannot wet it; the wind drieth it not away.' The belief of a divine origin, in one mode or other, for human souls, is in Greek Philosophy almost universal.

In the *Nyaya* system we have three doctrines set forth; two of which doctrines are the same as those already stated in the *Sankhya* and *Vedantic* systems, namely, 'Soul is eternal,' and 'The doctrine of transmigration of Souls'; the remaining one is, 'Matter is eternal in atoms'. The definition of an atom, as given by *Kanada*, the founder of this system, is 'something existing without a cause; without beginning and end; it is contrary to what has a measure'. All objects and products are traced back to nine substances; Time, space, soul, and mind; ether, air, earth, fire, and water; of earth it is said, 'earth, is the cause of odours, and is the site of various colors. It has three kinds of feel; hot, cold, and temperate. It is two-fold,

‘eternal and non-eternal; eternal as considered in its atoms; non-eternal as being composed of parts.’

All aqueous compounds, snow, hail, and rivers; all compounds of light, fire, and gold; are said to have an atomic origin, and their atoms are eternal.

Mr. Colebrooke gives the following Sketch of the atomic argument of Kanáda; ‘The mote in a sunbeam is the smallest perceptible quantity. It is a substance—an effect; and is therefore made from something less than itself. This something is also an effect, and is a substance. It is composed of something smaller, and that smaller thing is an atom. It is simple, else the series would be endless. If so, every thing, great and small, would contain an infinity of particles; and all would therefore be alike. The first compound consists of two atoms. One cannot form a compound, and there is no argument to prove more than two. The next consists of three double atoms. If only two were joined, magnitude would not result; since that can consist only from the number or size of the particles. It cannot be size, since they are atoms; it must be number. There is no argument for four because three such double atoms are sufficient. The atom then is equal to one sixth of the mote of a sunbeam. Two earthly atoms brought together by some cause (the will of God, time and the like) make one double atom. Three double atoms equal one tertiary atom. Four tertiary atoms make one quaternary; and so on; thus it is by aggregation that the gross earth is produced. In like manner, from aqueous atoms come forth, by aggregation, all watery substances, organs and organisms. So also from the atoms of light and air, the compounds classed among them. Pressure and velocity produce an union of the integrant elements. Disjunction separates them; and as by aggregation substances are formed, so by disjunction they are broken up, and return inversely to the original atoms. The qualities of the original atoms attend them in the compound substances, and it is from them, that the compounds derive the qualities which they possess.’

Such then is a brief sketch of the chief errors that lie at the root of the Philosophy of the Hindu schools; errors that have blinded the eyes of both the priesthood and the people, to the glorious revelation of Truth; errors that are grounded on the sayings of fallible men, founded on the traditions of bye-gone ages, and veiled in superstition and idolatry. But how strongly must that error be rooted in the minds of the millions of India, when after the lapse of ages, after numerous contests with spiritual and temporal powers, we find that the number of those whose

eyes have been opened, from whose hearts has been torn the veil of sensuality and vice, is as nothing.

Will the Hindu ever believe the Truth? or will he still continue, notwithstanding the enlightenment of the present age, to bow down to his images of wood and stone? will he ever remain the slave of sensuality and vice, the mere tool of a priesthood whose livelihood is gained by the propagation of the deadliest and foulest falsehood? The solution of these questions is beyond our province. But we fear that the result, so far, of the admission of Truth into the benighted mind of the Hindu is but too truly depicted in the following words. 'I cannot deny the force of your arguments, Satyakama, and yet I am far from being convinced. The result of our conferences hitherto has been to weaken the foundations of human belief, and foster a spirit of universal scepticism. There must be a grave error somewhere in all this. To disprove a certain position is not to find out the truth. And if there be no truth in the texts of the Vedas, or the aphorisms of philosophers, where are we to go in search of it? The characteristic of righteous men is to set forth *Faith*, as the poet says, and not scepticism. Our studies, speculations and discussions cannot be considered successful, if they end in the conclusion that there is no truth in the world. Our faculty of reason could never have been granted by the Almighty for *that*; it is doubtless intended to put us in possession of some definite and positive truth, to discover His will in nature and in His word; for it is preposterous to think of discovering His will for all practical purposes *without* His word. Surely He could not have left us in the dark, destitute of a revelation of His will. Like yourself, I find it difficult to believe that He would be deliberately deluding us by the projection of an illusion. But I cannot, on the other hand, understand that He would leave us without an *ágama*, or revelation, to follow our own bewildering reason in things beyond its range, and thus in another way, consign us to inevitable delusions. Hence my still cleaving to the hope that the Vedas may contain His word, notwithstanding all you have said. We must have something on which to repose our faith, or our minds must be tossed to and fro by the waves of doubt and disputation, like a boat without a rudder on stormy waters. I cannot say that our conferences have at all tended to the discovery of that *something*.*'

* Banerjee's Dialogues on Hindu Philosophy.

ART. VIII.—*Resolution regarding the Sale of Waste Lands and Redemption of the Land Revenue. Oct. 17th 1861.*

IF we could add promptitude and decision to the other attributes of Lord Canning we should have, in ordinary and peaceful times, but little to complain of and, perhaps, much to commend. Slow justice, when it might be speedy, is an active wrong, and wrongs of this description tarnish and rob of the grace, which would otherwise attach to them, nearly every act of Lord Canning's administration. Such opportunities—trying ones no doubt—have never fallen to the lot of any former Governor General, and three months ago he might have said he had missed them all. It was his misfortune to commence his rule in a strange land in troublous times, and had he gone away when they ceased he would have been known only as the man who stood calmly at the helm, while the crew in spite of the wheel having frequently turned the wrong way saved the great ship from foundering. To have been in a high position in a time of great danger, is a distinction of itself, and Lord Canning would have carried away no other had he quitted India in 1858. Fortunately for his fame the last two years of his rule fell in progressive times. He has suffered himself to be pushed forward, not with railway speed to be sure, but still forward, and he may now quit India without shame, if not with absolute satisfaction, leaving behind him perhaps more regret and esteem than we could have at one time deemed possible.

The Resolution of the 17th of Oct. last regarding the disposal of Waste Lands will, although it is not his own, and he has taken three years to consider it, associate the name of Lord Canning with the wisest, most liberal and comprehensive reform that India has yet seen. It is so wise and simple that the question may be reasonably enough asked why it was not done sooner. Lord Canning says, 'As regards the sale of Waste Lands, there can be no question of the substantial benefits both to India and to England which must follow the establishment of settlers who will introduce profitable and judicious cultivation into districts hitherto unreclaimed. His Excellency in Council looks for the best results to the people of India, wherever in such districts European settlers may find a climate in which they can live and occupy themselves without detriment to their health, and where

‘ they may direct such improvements as European capital, skill and enterprise can effect in the agriculture, communications and commerce of the surrounding country. He confidently expects that harmony of interests between permanent European settlers, and the half civilised tribes, by whom most of those waste districts or the country adjoining them are thinly peopled, will conduce to the material and moral improvement of large classes of the Queen’s Indian subjects, which for any such purposes have been long felt by the Government to be almost out of the reach of its ordinary agencies.’ There is not a word in the above which might not have been written with equal truth half a century ago, and if it had been then written and acted upon, we should have probably been spared the horrors of 1857, have had a surplus revenue, justice properly administered, roads and railways where we have now only the track of the wild beasts. Every sentence of Lord Canning’s Resolution is a condemnation of the policy which excluded the Englishman from the land which his fathers acquired by right of conquest—the only right if we go back a few centuries by which Englishmen hold England, or we shall make it more apparent, if we say Ireland. Ireland for the Irish is as wise and just a cry as India for the Indians, and by all means let the rights of both be respected. But have Englishmen ever been forbidden to purchase, drain, or otherwise improve a bog in Ireland lest the rights of the people should suffer?

The terms upon which Lord Canning offers the Waste Lands are generally liberal and fair, but their fairness and liberality are rendered more striking by contrast with the narrowness of the measure hitherto proposed than from any intrinsic generosity of their own. Such a Proclamation would have been received in any other of Her Majesty’s possessions with nothing more than the ordinary acknowledgements due to a simple act of common justice. It is only in India that justice is looked upon as a boon to which no claim can be established. The Australian will read with wonder the praise which has been so lavishly bestowed upon Lord Canning by the Indian Press, for granting to his countrymen in India a right which he has always possessed, and had scarcely experienced a sensation of gratitude for. Liberality and freedom are comparative—and we are not disposed to cavil at what we have now obtained because others have more and we should have had it sooner. There are to be no resumptions, no right of interference, no compulsory cultivation and (think of it ye ex-Directors, ye Civilians of the old school,) no visits from Collectors! Truly India is advancing when men are to be allowed to do what they like with their own land. Lord Canning says:—‘and as a

'general rule, and whatever may be the nature of the growth which covers the soil, His Excellency in Council would wish, in this as in all other matters, to leave it entirely to the owner's judgment and self-interest to make the best of a grant, for which he has once for all paid a fair price to Government.'

Let us now see what Mr. Grant's notions of fee-simple are. Rule VII, after stating the exact area of his own property, which a man is to be compelled by legislation to bring into a condition which shall yield him a profit, goes on as follows. That one eighth of the ground shall be cleared and rendered fit for cultivation by the expiration of the fifth year from the date of sale. That one fourth of the grant shall be cleared and rendered fit for cultivation by the expiration of the tenth year. That one half shall be cleared and rendered fit for cultivation in the twentieth year. That three fourths shall be cleared etc. by the end of the thirtieth year.—'That on the failure of all or any of these four conditions, the fact of which failure shall after local enquiry conducted by the Collector or other Officer be finally determined by the Board of Revenue, such portion of the grant as shall remain uncleared shall be liable to forfeit, etc, etc. The Government reserves to itself the right of making and constructing such roads and bridges as may be necessary, * * * and also to such timber, stone and other materials as may be required etc.' Fee-simple with a vengeance! This is the last effort of the old service, and it is no doubt to the credit of Lord Canning that he has had the courage and the wisdom to set aside the policy of centuries. To Lord Stanley we believe the credit of originating this just measure is due, the details only being left to Lord Canning, and he has taken three years to arrange them. They have been received with more gratitude than appears necessary, for they are still incomplete. The limitation of the area is a useless clog, and we are almost disposed to believe that Mr. Grant must have obtained access to the drawer in which the Resolution was placed and inserted it on his own account. It is simply vexatious and useless, being easily evaded and in the case of large companies evasion will be a necessity, for three thousand acres will not give scope for the extensive cultivation of either Tea or Cotton. In Australia a very different system was adopted, and in order to encourage large purchases special privileges were allowed to the buyer of 20,000 acres, or as it was then called, a special survey. He was at liberty to point out his own boundaries and no competition was allowed as in the case of small lots of 80 to 100 acres. Lord Canning's remarks are sufficiently undecided to leave

us a strong hope that with proper representation this objectionable restriction will be either altogether abandoned or at least modified to meet the wishes of the public. He says—'it will generally be safe to consult the wishes of intending applicants on this subject, when they are in numbers sufficient to give weight to their opinions, as to what general limitation is likely to be best for the general interests.'

The remedy would, from the above appear to be in the hands of those interested, and a petition might, if time permitted, be addressed with every chance of success to Lord Canning. His lordship has already been appealed to on the subject of the liberties taken with his Resolution by the various local Governments, especially those of Oude and the North West. The apprehensions entertained by holders of grants under the old Rules regarding the rates at which they will be allowed to commute, we believe to be groundless. It is feared that the higher rate of Rs. 5 per acre will be charged for all land cleared and rendered fit for cultivation at the time the commutation takes place. There can be no doubt that para. 29 of the Resolution refers to the state of the grant when it was first obtained, and not to the state to which the capital and energy of the grantee may have brought it. It is a curious comment upon the estimation in which the Government is held that the supposed intention to commit such a manifest injustice should have been credited for a moment, and shows that the feeling of distrust has not yet passed away.

The permission to redeem by one payment the land Revenue is a measure which, if generally availed of, would for ever ensure the loyalty of the Zemindars. Their interests would be so bound up with ours that the permanence of our rule would be the one thing needful to their existence as landholders, and we should have nothing to fear. With a diminished native army and a Revenue paid a quarter of a century in advance, we might depend upon twenty-five years of unswerving loyalty on the part of the influential classes. It is a new measure, but we fear it will not be availed of to any great extent. Payment before it is compulsory is especially abhorrent to a native, and we doubt if even exemption from the interference of the hated Collector or the abolition of the dreaded *Kist* day will prevail. Apart from the fact that the native generally prefers the present to the future, there are many causes which will operate to prevent the redemption to any great extent. Many zemindars are poor and in debt, and it will be impossible for them to borrow at the rate allowed by Government, viz., twenty years' purchase. It is also very doubtful if their faith in the stability of our

rule is sufficiently great. While the tax was only a percentage upon the yield of the land, it mattered little to whom it was paid, whether to the King of Delhi or the English Government, but a tax once redeemed in the manner proposed, is a virtual entering into partnership with a Government which, we doubt not, many deem, if not absolutely bankrupt, at least very unstable. That such a belief should be common amongst the natives of India need excite no wonder, for it has been freely discussed in the English Parliament and the Press, and it has more than once been suggested that we might do worse than abandon a country which has, it is alleged, frequently proved a source of weakness and not of strength.

The inconsistency, to say nothing of the injustice, of allowing Native and other Uncovenanted officials the privilege of holding land, while the same liberty was denied to the higher and generally more honorable covenanted officer, has been often pointed out. The Native Judge may and frequently does purchase large tracts of land in the district in which he holds office, while his superior in every sense of the word, the English judge, is forbidden to purchase or hold in his own name so much as the garden or compound that surrounds his house. This rule was only relaxed after death when the Judge or Commissioner might share, to an extent proportioned to his size, in the permanent settlement of the nearest church-yard. The recent order on the subject is practically worthless. We want that the men, who make the laws and administer them, shall have an interest in their utility and applicability, which can only be obtained by giving them, or allowing them to acquire, property which shall be affected beneficially or otherwise according as they are good or bad, or as they are well or ill administered. If the Bengal civilians were to divide Madras and Bombay Presidencies between them, it would give them no interest in the improvement of Bengal. They would have no motive beyond the motive of doing their duty, and, giving them credit for the most scrupulous conscientiousness on this point, we know that human nature is weak, and that in all probability if Mr. Grant had been the owner of two three Factories in Jessore we should have had no Indigo crisis, and far less injustice than has been perpetrated during the last two years in the Indigo districts. The qualification for the Directorship in any company is the possession of a goodly number of shares, and it is a wise one. The Civilian has no shares, and there are no roads, in Bengal. If the Civilian had been a shareholder we should never have had a law* virtually depriving

* Act X of 1859.

the Zemindar of all right or title to his land if he had been foolish or good natured enough to allow a Ryot to occupy it for twelve years without disputing the right of occupaney or raising his rent. Let the Civilian and the Law-makers have an interest in the land and the Commerce of India, and we shall then hope for suitable laws and not till then.

